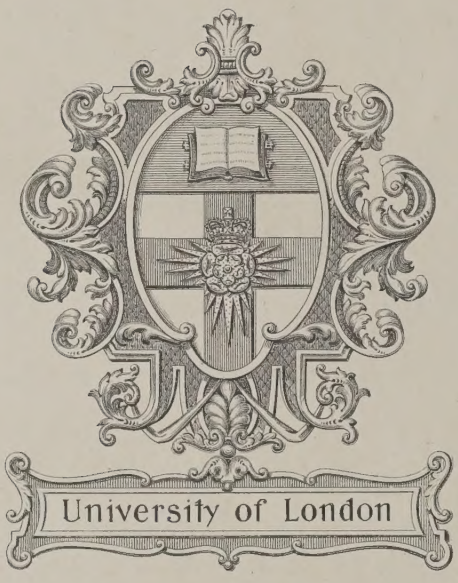
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B I L L S,

PUBLIC:

FOUR VOLUMES.

—(3.)—

MERCHANT SHIPPING CODE

TO

POACHING PREVENTION ACT REPEAL.

Session

8 *February* —— 10 *August* 1870.

VOL. III.

1870.

BILLS:

1870.

FOUR VOLUMES:—CONTENTS OF THE

THIRD VOLUME.

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115.	Licence of persons to procure seamen	17 & 18 Vict. c. 104. ss. 146 & 147. 25 & 26 Vict. c. 63. s. 13.
116.	Penalty for receiving remuneration from seamen, &c.	17 & 18 Vict. c. 104. s. 148.
	Agreements with Seamen.	
117.	Agreements with seamen	17 & 18 Vict. c. 104. ss. 149 & 157.
118.	Form and conditions of agreement	17 & 18 Vict. c. 104. ss. 149–151.
119.	Agreements in the United Kingdom to join ship abroad	17 & 18 Vict. c. 104. s. 156.
120.	Changes in crew to be reported	17 & 18 Vict. c. 104. s. 158.
121.	Engagements of seamen in the colonies	17 & 18 Vict. c. 104. s. 159.
122.	Engagement of seamen at foreign port	17 & 18 Vict. c. 104. s. 160.
123.	Endorsement of agreement in colonies and at foreign port	17 & 18 Vict. c. 104. ss. 159, 160.
124.	Alterations to be void unless attested to have been made with the consent of all parties	17 & 18 Vict. c. 104. s. 163.
125.	Seamen not to be bound to produce agreement	17 & 18 Vict. c. 104. s. 165.
126.	Copy of agreement to be made accessible to crew	17 & 18 Vict. c. 104. s. 166.
127.	Agreements with lascars	18 & 19 Vict. c. 91. s. 23. 25 & 26 Vict. c. 63. s. 24. 4 G. 4. c. 80.
	Discharge and Wages of Seamen.	
128.	Discharge before superintendent	17 & 18 Vict. c. 104. s. 170.
129.	Certificate of discharge to seaman, and return of certificates of competency. Master to report characte	17 & 18 Vict. c. 104. ss. 172, 176.
130.	Inquiry into cause of death on board	17 & 18 Vict. c. 104. s. 269.
	Advance and Allotment of Wages.	
131.	Regulations as to allotment notes	17 & 18 Vict. c. 104. s. 168.
132.	Allotment notes may be sued on summarily by certain conditions	17 & 18 Vict. c. 104. s. 169.
133.	Authentication of allotment note.	
134.	Advance not to exceed one month's wages.	

Clauses.		Provisions of former Acts.
	Payment of Wages.	
135.	Master to deliver account of wages	17 & 18 Vict. c. 104. s. 171.
136.	Time of payment and effect of nonpayment of wages.	
137.	Settlement of wages	17 & 18 Vict. c. 104. s. 175.
138.	Superintendents may decide questions which parties refer to them	17 & 18 Vict. c. 104. s. 173.
139.	Master and others to produce ship's papers to superintendent	17 & 18 Vict. c. 104. s. 174.
140.	Superintendent may receive wages for seamen, and give receipt.	
	Legal Rights to Wages.—Compensation.	
141.	Right to wages, &c. when to begin	17 & 18 Vict. c. 104. s. 181.
142.	Right to recover wages and salvage not to be forfeited	17 & 18 Vict. c. 104. ss. 104, 182. 26 & 26 Vict. c. 63. s. 18.
143.	Wages not to depend on freight	17 & 18 Vict. c. 104. s. 183.
144.	Wages in case of death before payment	17 & 18 Vict. c. 104. s. 184.
145.	Wages on termination of service by wreck or illness	17 & 18 Vict. c. 104. s. 185.
146.	Forfeiture of wages, &c. of seamen when illness caused by his own default	30 & 31 Vict. c. 124. s 8.
147.	Seamen improperly discharged to have compensation	17 & 18 Vict. c. 104. s. 167.
148.	Sale of and charge upon wages to be invalid	17 & 18 Vict. c. 104. s. 233.
	Mode of recovering Wages.	
149.	Summary proceedings for wages	17 & 18 Vict. c. 104. s. 188.
150.	Restrictions on suits for wages in superior courts	17 & 18 Vict. c. 104. s. 189.
151.	Share of profits may be recovered as wages.	
152.	Costs of procuring imprisonment may be deducted from wages	17 & 18 Vict. 104. s. 251.
153.	Master to have same remedies for wages as seamen	17 & 18 Vict c. 104. s. 191.
	Wages and Effects of deceased Seamen.	
154.	Wages and effects of seamen dying on board during voyage	17 & 18 Vict. c. 104. s. 194.
155.	Dealing with and account of effects of seamen who die on board during voyage	17 & 18 Vict. c. 104. ss. 194, 195, and 196.
156.	Effects abroad not on board ship	17 & 18 Vict. c. 104. s. 197. 25 & 26 Vict. c. 63. s. 20.

Clauses.		Provisions of former Acts.
157.	Recovery of wages, &c. of seamen lost with their ship	25 & 26 Vict. c. 63. s. 21.
158.	Wages and effects of seamen dying at home to be paid in certain cases to Board of Trade	19 & 20 Vict. c. 41. s. 198.
159.	Payment over of property of deceased seamen	17 & 18 Vict. c. 104. s. 199.
160.	Rejection by Board of Trade of wills made by seamen	17 & 18 Vict. c. 104. s. 200.
161.	Provision for payment of just claims by creditors, and for preventing fraudulent claims	17 & 18 Vict. c. 104. s. 201.
162.	Discharge of Board of Trade.	
163.	Mode of dealing with unclaimed wages of deceased seamen	17 & 18 Vict. c. 104. s. 202.
164.	Powers in case of death	17 & 18 Vict. c. 104. s. 184.
165.	Property of seamen discharged from Royal Navy	17 & 18 Vict. c. 104. s. 204.
	Remittance of Wages, and Savings Banks for Seamen.	
166.	Remittance of seamen's wages	17 & 18 Vict. c. 104. s. 177.
167.	Board of Trade may make regulations concerning money orders	17 & 18 Vict. c. 104. s. 177.
168.	Power to pay when order is lost	17 & 18 Vict. c. 104. s. 178.
169.	Penalty for issuing money orders with fraudulent intent	17 & 18 Vict. c. 104. s. 179.
170.	Power for Board of Trade to establish savings banks	19 & 20 Vict. c. 41. s. 1.
171.	Power to constitute mercantile marine offices branch savings banks	19 & 20 Vict. c. 41. s. 2.
172.	Commissioners for the Reduction of the National Debt to receive deposits, &c.	19 & 20 Vict. c. 41. s. 3.
173.	Board of Trade to make regulations for conduct of savings banks	19 & 20 Vict. c. 41. s. 4.
174.	Application of deposits of deceased depositor	19 & 20 Vict. c. 41. s. 5.
175.	Expenses of savings banks how to be defrayed	19 & 20 Vict. c. 41. s. 7.
176.	Accounts and copy of regulations to be laid before Parliament	19 & 20 Vict. c. 41. s. 8.
177.	Public officers to be exempt from legal proceedings, except in case of wilful default	17 & 18 Vict. c. 104. s. 177. 19 & 20 Vict. c. 41. s. 4.
178.	Enactments concerning savings banks, &c. to apply to seamen in the navy	18 & 19 Vict. c. 91. s. 17.
	Reimbursement out of Wages of Relief to Seamen's Families.	
179.	Relief to seamen's families to be chargeable on a certain proportion of their wages	17 & 18 Vict. c. 104. s. 192.
180.	Notice to be given to owner, and charge to be enforced on the return of the seaman	17 & 18 Vict. c. 104. s. 193.

Clauses.		Provisions of former Acts.
	Destitute Foreign Seamen.	
181.	Penalty on masters of ships leaving certain seamen in distress in this country - -	17 & 18 Vict. c. 120. s. 16.
182.	Relief of destitute lascars - - - -	18 & 19 Vict. c. 91. s. 22.
	Discharge of Seamen abroad.	
183.	Seamen not to be discharged or left abroad unless certificate obtained - - - -	17 & 18 Vict. c. 104. ss. 205–213.
184.	Persons to give certificates - - -	*Ib.*
185.	Conditions of obtaining certificate - - -	*Ib.*
186.	Cases in which no money is to be deposited for maintenance and return passage - - -	*Ib.*
187.	Persons who grant certificates to decide on adequacy of employment or return passage -	*Ib.*
188.	Application of wages of seamen left abroad on ground of desertion - - - - -	*Ib.*
189.	Endorsement of certificate on ship's agreement -	*Ib.*
190.	Amount to be paid for expenses of seamen left abroad - - - - - - - -	*Ib.*
191.	Expenses of maintenance, &c. to be a charge on the ship - - - - -	*Ib.*
192.	Where a seaman is discharged for his misconduct, expenses of his maintenance may be deducted from wages - -	*Ib.*
193.	Payment of seamen's wages to be in cash where practicable - - - -	*Ib.*
194.	Accounts of expenses of seamen relieved - -	17 & 18 Vict. c. 104. s. 210.
195.	Discharge of seamen abroad to be conducted in same manner as in the United Kingdom.	
	Distressed Seamen.	
196.	Distressed seamen found abroad may be relieved and sent home at the public expense - -	17 & 18 Vict. c. 104. s. 211. 18 & 19 Vict. c. 91. s. 16. 25 & 26 Vict. c. 63. s. 22.
197.	Masters of ships compelled to take seamen -	17 & 18 Vict. c. 104. s. 212.
198.	Expenses of relief of distressed seamen - -	17 & 18 Vict. c. 104. s. 213. 18 & 19 Vict. c. 91. s. 16.
	Volunteering into the Navy.	
199.	In time of war seamen may be authorized by Order in Council to volunteer into the navy.	

Clauses.		Provisions of former Acts.
200.	Seamen allowed to leave their ships in order to enter the navy	17 & 18 Vict. c. 104. s. 214.
201.	Clothes to be delivered at once. Wages to be given to the Queen's officer on account of the seaman	17 & 18 Vict. c. 104. s. 215.
202.	Regulations in scdedule with regard to wages of seamen received into navy.	
	Provisions, Health, and Accommodation.	
203.	Provisions and water to be sufficient and good	17 & 18 Vict. c. 104. ss. 221, 222. 30 & 31 Vict. c. 124. s. 4.
204.	Surveys of provisions, water, medicines, &c.	
205.	Allowance for short or bad provisions	17 & 18 Vict. c. 104. s. 223.
206.	Regulations respecting medicines, anti-scorbutics, &c.	30 & 31 Vict. c. 124. s. 4.
207.	Sale of medicines, &c. of bad quality	30 & 31 Vict. c. 124. s. 5.
208.	Power to governors, &c. to make regulations as to supply of lime or lemon juice, &c.	30 & 31 Vict. c. 124. s. 6.
209.	Masters to keep weights and measures on board	17 & 18 Vict. c. 104. s. 225.
210.	Expenses of medical attendance in case of illness	17 & 18 Vict. c. 104. s. 228. 30 & 31 Vict. c. 124. s. 7.
211.	Recovery of expenses from owner	17 & 18 Vict. c. 104. s. 229. 30 & 31 Vict. c. 124. s. 7.
212.	Certain ships to carry medical practitioners	17 & 18 Vict. c. 104. s. 230.
213.	Accommodation for seamen	30 & 31 Vict. c. 124. s. 9.
214.	Governors of British possessions may appoint surveyors	31 & 32 Vict. c. 129. s. 3.
	Protection of Seamen from Imposition.	
215.	Sale of salvage invalid	17 & 18 Vict. c. 104. s. 233.
216.	No debt exceeding 5*s.* recoverable till end of voyage	17 & 18 Vict. c. 104. s. 234.
217.	Penalty for overcharges by lodging-house keepers	17 & 18 Vict. c. 104. s. 235.
218.	Penalty for detaining seamen's effects	17 & 18 Vict. c. 104. s. 236.
219.	Penalty for detaining certificate.	
220.	Unauthorized persons not to go on board ship without permission	See 17 & 18 Vict. c. 104. s. 237.
221.	Penalty for solicitations by lodging-house keepers	17 & 18 Vict. c. 104. s. 230.
	Inquiries into Misconduct of Officers.	
222.	Inquiry into the incompetency or misconduct of a master or officer.	See 17 & 18 Vict. c. 104. ss. 241 and 438, and 25 & 26 Vict. c. 63. ss. 23 and 24.

Clauses.		Provisions of former Acts.
223.	Conduct of inquiry.	
224.	Restoration of certificate by Board of Trade -	17 & 18 Vict. c. 104 ss. 241, 263, and 438.
225.	Special assessors - - - - -	17 & 18 Vict. c. 104. s. 434. 25 & 26 Vict. c. 63. s. 23.
226.	Power of court to compel attendance of witnesses, &c.	
227.	Costs and expenses of inquiry.	
228.	Compensation, &c., payable by Board of Trade.	
229.	Board of Trade may suspend or cancel certificate of officer convicted of any offence - -	17 & 18 Vict. c. 104. s. 242.
230.	Removal of master by Admiralty Court -	17 & 18 Vict c. 104. s. 240.
	Offences of Seamen.	
231.	Mutinous conduct - - - - -	11 & 12 W. 3. c. 7. s. 9. 17 & 18 Vict. c. 104. s. 243.
232.	Punishment of desertion and kindred offences -	17 & 18 Vict. c. 104. ss. 243, 246, 247, & 248.
233.	Punishment for quitting ship without leave, disobedience, and assault on officers.	
234.	Wilful damage and embezzlement by seamen -	17 & 18 Vict. c. 104. s. 243.
235.	Liability of seaman for loss to owner caused by smuggling.	
236.	Penalty for false statement as to last ship or name	17 & 18 Vict. c. 104. s. 255.
237.	Entry of offences to be made in official log, and to be read over or a copy given to the offender, and his reply, if any, to be also entered - -	17 & 18 Vict. c. 104. s. 244, 256.
238.	Survey of ships alleged by seamen to be unseaworthy.	
239.	Sending on board of seaman imprisoned for breach of discipline - - - - -	17 & 18 Vict. c. 104. s. 248.
240.	Entries and certificates of desertion abroad to be copied, sent home, and admitted in evidence -	17 & 18 Vict. c. 104. s. 249.
241.	Facilities for proving desertion, so far as concerns forfeiture of wages - - - - - -	17 & 18 Vict. c. 104. s. 250.
242.	Application of forfeitures - - -	17 & 18 Vict. c. 104. s. 253.
243.	Questions of forfeiture may be decided in suits for wages - - - - - - -	17 & 18 Vict. c. 104. s. 254.
244.	Mode of ascertaining forfeiture out of wages -	17 & 18 Vict. c. 104. s. 252.
245.	Deduction from wages, and payments to superintendents of fines, forfeitures - - - -	17 & 18 Vict. c. 104. s. 256.
246.	Penalty for enticing to desert and harbouring deserters - - - - - -	17 & 18 Vict. c. 104. s. 245.

Clauses.		Provisions of former Acts.
247.	Seamen whom masters of ships are compelled to convey, and persons going in ships without leave, to be subject to penalties for breach of discipline	17 & 18 Vict. c. 104. s. 257.
248.	Penalty for obtaining passage surreptitiously -	17 & 18 Vict. c. 104. s. 258.
	Power of making Complaint.	
249.	Seamen to be allowed to go on shore to make complaints to a justice - - - - -	17 & 18 Vict. c. 104. s. 232.
	Naval and Consular Courts on the High Seas and abroad.	
250.	Naval courts may be summoned for hearing complaints, and investigating wrecks on the high seas or abroad - - - - - - -	17 & 18 Vict. c. 104. s. 260.
251.	Constitution of such courts - - -	17 & 18 Vict. c. 104. s. 261.
252.	Functions and powers of naval courts - -	17 & 18 Vict. c. 104. s. 262.
253.	Powers of such courts - - - -	17 & 18 Vict. c. 104. s. 263.
254.	Orders to be entered in official log - -	17 & 18 Vict. c. 104. s. 264.
255.	Report to be made of proceedings of naval courts	17 & 18 Vict. c. 104. s. 265.
256.	Penalty for preventing complaint or obstructing investigation - - - - - -	17 & 18 Vict. c. 104. s. 266.
	Official Logs.	
257.	Official logs to be kept in the prescribed form -	17 & 18 Vict. c. 104. ss. 280, 281, & 285. 25 & 26 Vict. c. 63. s. 13.
258.	Entries required in official log - - -	17 & 18 Vict. c. 104. ss. 282 & 285.
259.	Entries how to be signed - - -	17 & 18 Vict. c. 104. s. 283.
260.	Entries to be evidence.	
261.	Penalties in respect of official logs - -	17 & 18 Vict. c. 104. s. 285.
262.	Delivery of official logs to superintendent of mercantile marine offices - - - - -	17 & 18 Vict. c. 104. ss. 172 & 286. 17 & 18 Vict. c. 104. s. 287.
263.	Official logs to be sent home in case of transfer of ship, and in case of loss.	
	Local Marine Boards.	
264.	Continuance of local marine boards - -	17 & 18 Vict. c. 104. s. 110.
265.	Control of Board of Trade over local marine board	17 & 18 Vict. c. 104. ss. 119, 120, and 121.

Clauses.		Provisions of former Acts.
	Mercantile Marine Offices.	
266.	Establishment of mercantile marine offices -	17 & 18 Vict. c. 104. ss. 122, 128, & 129.
267.	Control of mercantile marine offices by Board of Trade or local marine board - - -	17 & 18 Vict. c. 104. ss. 122, 123, & 129.
268.	Business of mercantile marine office may be carried on at custom houses - - -	17 & 18 Vict. c. 104. s. 128.
269.	Board of Trade may make byelaws for preserving order in mercantile marine offices.	
270.	Fees at mercantile marine office - -	17 & 18 Vict. c. 104. ss. 125, 126, 127, & 141.
271.	Business of mercantile marine office - -	17 & 18 Vict. c. 104. ss. 122, 128, & 130.
272.	Board of Trade may dispense with certain matters to be done at mercantile marine offices - -	17 & 18 Vict. c. 104. s. 130.
	Registration of and Returns respecting Seamen.	
273.	Establishment of register office - -	17 & 18 Vict. c. 104. s. 271.
274.	Returns of masters of ships - - -	17 & 18 Vict. c. 104. ss. 273, 274.
275.	Lists to be delivered by coasting ships half-yearly	17 & 18 Vict. c. 104. ss. 109 & 275.
276.	Certificate of delivery of returns - -	17 & 18 Vict. c. 104. ss. 109, 274, & 275.
277.	Return in case of transfer or loss of ship.	
278.	Superintendents and other officers to transmit documents to registrar - - - -	17 & 18 Vict. c. 104. s. 277.
279.	Agreements, indentures, and assignments, on arrival at a foreign port, to be deposited with the consul, and at a colony with the officers of customs - - - - - - -	17 & 18 Vict. c. 104. s. 279. 25 & 26 Vict. c. 63. s. 13.
280.	On change of masters, documents hereby required to be handed over to successor - - -	17 & 18 Vict. c. 104. s. 259.
	Fees.	
281.	Fees to be carried to Mercantile Marine Fund.	
	Forgery and False Declarations.	
282.	Forgery of documents as to seamen's wages and savings banks - - - - - -	17 & 18 Vict. c. 104. s. 203.

Clauses.		Provisions of former Acts.
283.	Forgery of documents and marks	17 & 18 Vict. c. 104. ss. 11, 16, 104, 140, 176, 220, 384.
284.	False declaration	17 & 18 Vict. c. 104. ss. 203, 220.
	Forms and Instruments.	
285.	Board of Trade to issue forms of instruments	17 & 18 Vict. c. 104. ss. 8 & 10.
286.	Returns and production of books, &c. to Board of Trade	17 & 18 Vict. c. 104. s. 12.
287.	Penalty on false declarations made with respect to Naval Reserve.	
	Power of Officers to inspect Ships, Documents, &c.	
288.	Power for officers of Board of Trade, naval officers, consuls, &c. to inspect documents, muster crews, &c.	17 & 18 Vict. c. 104. s. 13.
	Miscellaneous.	
289.	Officers to perform duties in British possessions.	
290.	Corporations, &c. may grant sites for sailors homes	17 & 18 Vict. c. 104. s. 546.
291.	Exemption from stamp duty	17 & 18 Vict. c. 104. s. 9.
	Application of Act.	
292.	Exemption of certain ships.	
293.	Engagement of seamen by exempted vessels.	
294.	Exemption of Her Majesty's ships. Saving of a jurisdiction of a British possession	17 & 18 Vict. c. 104. s. 4.
295.	Application of Act to British possession by legislature	17 & 18 Vict. c. 104. ss. 288, 289.
296.	Conflict of law	17 & 18 Vict. c. 104. s. 290.
	Application of Act to Foreign Ships.	
297.	Her Majesty may, by Order in Council, apply this part to foreign vessels.	

SCHEDULES.

PART III.

Prevention of Accidents.

Clauses.		Provisions of former Acts.
	Preliminary.	
298.	Short title.	
299.	Incorporation of certain sections of General Provisions Act.	
300.	Application of Act to Her Majesty's ships.	
	Prevention of Collisions.	
301.	Regulations to be observed by British ships and foreign ships in British jurisdiction.	25 & 26 Vict. c. 63. ss. 27, 28, 29.
302.	Penalty for ships not being provided with lights, &c.	25 & 26 Vict. c. 63.
303.	Inspection as to lights and fog signals - -	25 & 26 Vict. c. 63. s. 30.
304.	In case of collision one ship shall assist the other -	25 & 26 Vict. c. 63. s. 33.
305.	Collisions to be entered in official log - -	17 & 18 Vict. c. 104. s. 328.
306.	Application of regulations to foreign ships - -	25 & 26 Vict. c. 63. s. 58.
307.	Queen in Council may alter regulations for preventing collision.	25 & 26 Vict. c. 63. ss. 25, 57.
308.	Rule for steamers in narrow channels.	
309.	Rules for harbours under special Acts to continue in force.	25 & 26 Vict. c. 63. s. 31.
310.	In harbours and rivers where no such rules exist they may be made.	25 & 26 Vict. c. 63. s. 32.
	Equipments.	
311.	Seaworthiness and equipment - - -	17 & 18 Vict. c. 104. s. 301.
312.	Safety valve, and prohibition of improper pressure of steam in boiler.	17 & 18 Vict. c. 104. ss. 301, 302.
313.	Ship's draught of water to be recorded.	
	Survey of Passenger Steamers.	
314.	Yearly survey and certificate to passenger steamer -	17 & 18 Vict. c. 104. ss. 303, 304, 318.
315.	Annual survey and declaration of survey - -	17 & 18 Vict. c. 104. ss. 309, 310, 314.
316.	Board of Trade to issue certificate - - -	17 & 18 Vict. c. 104. ss. 312, 313.
317.	Continuance of certificates - - - -	17 & 18 Vict. c. 104. s. 315.
318.	Cancellation of certificate - - -	17 & 18 Vict. c. 104. s. 316.
319.	Posting up of certificates of number of passengers -	17 & 18 Vict. c. 104. s. 317.
320.	Passengers in excess - - -	17 & 18 Vict. c. 104. s. 319.

Clauses.		Provisions of former Acts.
	Appointment of Surveyors.	
321.	Appointment, &c. of surveyors	17 & 18 Vict. c. 104. s. 305.
322.	Power of surveyors	17 & 18 Vict. c. 104. s. 306.
323.	Regulatiens of Board of Trade respecting surveys	17 & 18 Vict. c. 104. s. 307.
324.	Prohibition of gratuities, &c.	17 & 18 Vict. c. 104. s. 308.
325.	Fees to be carried to Mercantile Marine Fund.	
	Keeping Order in Passenger Steamers.	
326.	Power to refuse admittance to and to remove passengers who are drunk or misconduct themselves.	17 & 18 Vict. c. 104. s. 325.
327.	Offences in connexion with passenger steamers	25 & 26 Vict. c. 63. ss. 35, 36, 37.
328.	Foreign passenger steamers plying in United Kingdom.	
	Dangerous Goods.	
329.	Provisions to prevent the taking dangerous goods on board without due notice	17 & 18 Vict. c. 104. s. 329. 25 & 26 Vict. c. 63. s. 38.
	Forgery and False Declarations.	
330.	Forgery of declaration, &c., as to survey of steam ships.	17 & 18 Vict. c. 104. s. 320.
331.	False declarations	17 & 18 Vict. c. 104. s. 320.
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332.	Exemption of instruments from stamp duty.	
333.	Application of fees.	
334.	Saving for 18 & 19 Vict. c. 119.	
	SCHEDULES.	

PART IV.

DELIVERY OF GOODS.

	Preliminary.	
335.	Short title.	
336.	Extent of Act.	
337.	Incorporation of certain sections of General Provisions Act.	
	Delivery of Goods and Lien for Freight.	
338.	Definitions.	
339.	Power to shipowner to enter and land goods in default of entry and landing by owner of goods.	25 & 26 Vict. c. 63. s. 67.

Clauses.		Provisions of former Acts.
340.	If, when goods are landed, the shipowner give notice for that purpose, the lien for freight is to continue.	25 & 26 Vict. c. 63. s. 68.
341.	Lien to be discharged on proof of payment -	25 & 26 Vict. c. 63. s. 69.
342.	Lien to be discharged on deposit with warehouseman.	25 & 26 Vict. c. 63. s. 70.
343.	Notice within 15 days to warehouseman, and consequent proceedings.	25 & 26 Vict. c. 63. ss. 71–72.
344.	After 90 days warehouseman may sell goods by public auction.	25 & 26 Vict. c. 63. s. 73.
345.	Notices of sale to be given - - -	25 & 26 Vict. c. 63. s. 74.
346.	Money arising from sale, how to be applied - -	25 & 26 Vict. c. 63. s. 75.
347.	Warehouseman's rent and expenses - -	25 & 26 Vict. c. 63. s. 76.
348.	Warehouseman's protection - - - -	25 & 26 Vict. c. 63. s. 77.
349.	Saving for powers under local Acts - - -	25 & 26 Vict. c. 63. s. 78.
	Bills of Lading.	
350.	Rights under bills of lading to vest in consignee or endorsee.	18 & 19 Vict. c. 111. s. 1.
351.	Not to affect right of stoppage in transitu or claims for freight.	18 & 19 Vict. c. 111. s. 2.
352.	Bill of lading in hands of consignee, &c., conclusive evidence of the shipment as against master, &c.	18 & 19 Vict. c. 111. s. 3.

PART V.

Liability of Shipowners Act.

353.	Short title.	
354.	Incorporation of certain sections of General Provisions Act.	
355.	Extent of Act - - - - - -	17 & 18 Vict. c. 104. s. 502.
356.	Owner not liable in certain cases - - -	17 & 18 Vict. c. 104. s. 503.
357.	Limitation of owners liability where no fault or privity - - - - - - -	25 & 26 Vict. c. 63. s. 54. 17 & 18 Vict. c. 104. s. 506.
358.	Proceedings by the Board of Trade in case of loss of life or personal injury.	17 & 18 Vict. c. 104. s. 507.
359.	Either party may require question to be tried by a special jury.	17 & 18 Vict. c. 104. s. 508.
360.	Provisions for conduct of proceedings - -	17 & 18 Vict. c. 104. s. 509.
361.	Rules as to damages, and application thereof -	25 & 26 Vict. c. 63. s. 56. 17 & 18 Vict. c. 104. s. 510.
362.	Any person who is dissatisfied with the amount of statutory damage may bring an action on his own account.	17 & 18 Vict. c. 104. s. 511.

Clauses.		Provisions of former Acts.
363.	Effect on actions by individuals of proceedings by Board of Trade - - - -	Cf. 17 & 18 Vict. c. 104. ss. 512, 513.
364.	Proceedings where several claims are apprehended	17 & 18 Vict. c. 104. s. 514. 23 & 24 Vict. c. 126. s. 35. 24 & 25 Vict. c. 10. s. 13.
365.	Liability of master and seamen not affected -	17 & 18 Vict. c. 104. s. 516.
366.	Part owners to account in respect of damages -	17 & 18 Vict. c. 104. s. 515.
367.	Insurances of certain risks not invalid - -	25 & 26 Vict. c. 63. s. 55.

PART VI.

WRECK AND SALVAGE ACT.

Preliminary.

368.	Short Title.	
369.	Interpretation.	
370.	Incorporation of General Provisions Act.	

Inquiries into Shipping Casualties.

371.	Preliminary inquiries into shipping casualties may be made by receivers.	17 & 18 Vict. c. 104. ss. 432, 448.
372.	Manner of conducting preliminary inquiries by receiver.	17 & 18 Vict. c. 104. ss. 432, 448, 449.
373.	Statements to be made by master of a British ship to which a casualty has happened.	
374.	Notice of loss of a British ship to be given by the owner to the Board of Trade.	
375.	Examination of persons belonging to foreign ships by consent of foreign government.	
376.	Formal investigation of shipping casualties -	17 & 18 Vict. c.104. ss. 433,437. 25 & 26 Vict. c. 63. s. 23.
377.	The legislature of a British possession may provide for investigations of shipping casualties.	

Vessels in Distress.

378.	Aid of vessels stranded or in distress - -	17 & 18 Vict. c. 104. s. 441.
379.	Powers of the receiver in case of vessels stranded or in distress.	17 & 18 Vict. c. 104. s. 442.
380.	Power to pass over adjoining lands - -	17 & 18 Vict. c. 104. s. 446.
381.	Power to suppress plunder and disorder by force	17 & 18 Vict. c. 104. s. 444.
382.	In case of tumultuous plunder, the hundred to be liable.	17 & 18 Vict. c. 104. s. 477.
383.	Master may repel, by force, unauthorized persons boarding his ship.	17 & 18 Vict. c. 104. s. 478.
384.	Certain officers may act in absence of receiver -	17 & 18 Vict. c. 104. s. 445.

Clauses.		Provisions of former Acts.
	Wreck.	
385.	Rules for persons finding wreck in the United Kingdom.	17 & 18 Vict. c. 104. ss. 443, 450.
386.	Rules as to wreck found at sea.	
387.	Notices to be given by receiver of wreck -	17 & 18 Vict. c. 104. s. 452.
388.	Owner may claim wreck within one year -	17 & 18 Vict. c. 104. s. 470. 18 & 19 Vict. c. 91. s. 19.
389.	Power to receiver to sell wreck in certain cases -	17 & 18 Vict. c. 104. ss. 453, 469.
	Unclaimed Wreck.	
390.	Notice of unclaimed wreck to be given to franchisers of wreck.	17 & 18 Vict. c. 104. ss. 454, 501.
391.	Disposal of unclaimed wreck - - -	17 & 18 Vict. c. 104. ss. 471, 475. 25 & 26 Vict. c. 63. s. 53.
392.	Disputed title to unclaimed wreck - -	17 & 18 Vict. c. 104. ss. 472, 473.
393.	Delivery of unclaimed wreck by a receiver not to prejudice title.	25 & 26 Vict. c. 63. s. 52.
394.	Interpleader, in case of wreck.	
395.	Power to Board of Trade to purchase rights to wreck.	17 & 18 Vict. c. 104. s. 474.
396.	Disposal of royal fish.	
397.	Admirals not to interfere with wreck - -	17 & 18 Vict. c. 104. s. 440.
398.	Disposal of unclaimed wreck in British possessions.	
	Marine Store Dealers.	
399.	Regulations for marine store dealers - -	17 & 18 Vict. c. 104. s. 480.
400.	Manner of obtaining permit to cut up cables -	17 & 18 Vict. c. 104. s. 481.
401.	Permit to be advertized - - - -	17 & 18 Vict. c. 104. s. 482.
	Offences in respect of Wreck.	
402.	Felonies in respect of wreck - - -	24 & 25 Vict. c. 100. s. 17. 24 & 25 Vict. c. 96. s. 64. 24 & 25 Vict. c. 97. s. 49. 17 & 18 Vict. c. 104. ss. 478, 479.
403.	Misdemeanors in respect of wreck - -	17 & 18 Vict. c. 104. s. 478. 24 & 25 Vict. c. 100. s. 37. 24 & 25 Vict. c. 96. ss. 65, 66.
404.	Venue and evidence in prosecutions in respect of wreck.	
405.	Summary procedure for concealment of wreck -	17 & 18 Vict. c. 104. s. 451.

Clauses.		Provisions of former Acts.
	Salvage of Life or Property.	
406.	Salvage shall be payable for saving life - -	17 & 18 Vict. c. 104. ss. 458, 459.
407.	Salvage of life from foreign vessels out of British jurisdiction.	25 & 26 Vict. c. 63. s. 59.
408.	Salvage of cargo or wreck - - -	17 & 18 Vict. c. 104. s. 458.
	Procedure in Salvage.	
409.	Jurisdiction in salvage disputes.	
410.	Commencement of proceedings for salvage.	
411.	Valuation of property - - - -	25 & 26 Vict. c. 63. s. 50.
412.	Property liable for salvage may be seized and detained by a receiver.	
413.	Procedure before a receiver.	
414.	Apportionment of salvage - - -	17 & 18 Vict. c. 104. ss. 466, 498.
415.	Enforcement of salvage where the property is under arrest in another suit.	
416.	Agreement instead of lien for salvage - -	17 & 18 Vict. c. 104. ss. 497, 486, 492, 493, 495.
	Salvage by Her Majesty's Ships.	
417.	Salvage by Her Majesty's ships - -	17 & 18 Vict. c. 104. ss. 484, 485.
418.	Salvage by Her Majesty's ships abroad - -	17 & 18 Vict. c. 104. ss. 486, 494, 496.
	Jurisdiction of Admiralty Courts in Salvage.	
419.	Jurisdiction of Admiralty Courts in salvage -	17 & 18 Vict. c. 104. s. 476.
	Appointment of Receivers of Wreck.	
420.	Appointment of receivers of wreck - -	17 & 18 Vict. c. 104. s. 439.
421.	General powers of receivers.	
	Fees of Receivers.	
422.	Receivers fees - - - -	17 & 18 Vict. c. 104. ss. 455–7.
423.	Remuneration for services by coastguard -	18 & 19 Vict. c. 91. s. 20.
	Miscellaneous Provisions.	
424.	Foreign goods found derelict to be subject to the same duties as on importation.	17 & 18 Vict. c. 104. ss. 499.
425.	Jurisdiction of local Admiralty Courts in Ireland.	
426.	Abolition of jurisdiction of commissioners in the cinque ports.	
	SCHEDULES.	

PART VII.

Pilotage Act.

Clauses.	Provisions of former Acts.
Preliminary.	
427. Short title.	
428. Incorporation of certain sections of General Provisions Act.	
429. Application - - - - -	17 & 18 Vict. c. 104. s. 330.
430. Construction.	
General Powers of Pilotage Authorities.	
431. Powers of pilotage authorities. To determine qualifications of pilots. To make regulations respecting pilot boats. To aid companies for the support of pilot boats. To license. To make regulations as to licences and certificate. To make regulations for the government of pilots. To fix and alter pilotage dues. To fix sums payable by pilots to their pilotage authority. Where payment of pilotage dues is compulsory to regulate mode of obtaining a qualified pilot. To establish funds for superannuated pilots. To alter byelaws.	17 & 18 Vict. c. 104. s. 333.
432. Publication of byelaws - - - -	17 & 18 Vict. c. 104. ss. 334, 335.
433. Power of appeal to Board of Trade - - -	17 & 18 Vict. c. 104. s. 336.
434. General jurisdiction of pilotage authorities -	17 & 18 Vict. c. 104. s. 331.
Returns by Pilotage Authorities.	
435. Pilotage authorities to make returns to the Board of Trade of certain particulars connected with pilotage.	17 & 18 Vict. c. 104. s. 337.
436. If local authorities fail to give the required returns, their jurisdiction may be transferred to the Trinity House.	17 & 18 Vict. c. 104. s. 338.
437. Returns to be laid before Parliament - -	17 & 18 Vict. c. 104. s. 339.
Trinity House.	
438. Extent of the Trinity House pilotage district -	17 & 18 Vict. c. 104. s. 370.
439. Power of Trinity House to alter regulations -	17 & 18 Vict. c. 104. s. 368.

Clauses.		Provisions of former Acts.
440.	Power of Trinity House to appoint sub-commissioners.	17 & 18 Vict. c. 104. s. 369.
441.	Power of Hull Trinity House to appoint sub-commissioners.	17 & 18 Vict. c. 104. s. 387.
	Provisional Orders.	
442.	Powers of Board of Trade to be exercised by provisional order. To transfer pilotage jurisdiction. To make the new body a pilotage authority. To determine the limits of such pilotage authority. To sanction pilotage dues. To determine the condition under which pilots shall continue to act under such pilotage authority. To sanction arrangements for the apportionment of pilotage funds. To provide for compensation of officers. To constitute new authorities. To exempt from compulsory payment of pilotage dues. To enable existing authorities to grant licences and fix or raise dues. To facilitate the recovery of dues. To facilitate grants of licences.	25 & 26 Vict. c. 63. s. 69.
	Licensing of Pilots.	
443.	Registry of pilot licences - - - -	17 & 18 Vict. c. 104. s. 349.
444.	Copies of regulations to be furnished to licensed pilot, and to be produced by him.	17 & 18 Vict. c. 104. s. 350.
445.	Licensed pilot to produce licence to employer -	17 & 18 Vict. c. 104. s. 351.
446.	Licences to be delivered up when required, and to be returned on death.	17 & 18 Vict. c. 104. s. 352.
447.	Pilot aggrieved by requirement to deliver up licence may appeal to the Trinity House.	
448.	Trinity House to license pilots to act within certain limits.	17 & 18 Vict. c. 104. s. 370.
449.	Publication of notice of licences of pilots by the Trinity House.	17 & 18 Vict. c. 104. s. 371.
450.	Bonds to be given - - - - -	17 & 18 Vict. c. 104. s. 372.
451.	Pilot's liability limited - - - - -	17 & 18 Vict. c. 104. s. 373.
452.	Continuance and renewal of licences - - -	17 & 18 Vict. c. 104. s. 374.
453.	Power to revoke and suspend licences - -	17 & 18 Vict. c. 104. s. 375.
454.	Trinity House to make regulations for a constant supply of qualified pilots at Dungeness.	17 & 18 Vict. c. 104. s. 377.
	Rights of Pilots.	
455.	Licensed pilots unable to board, when entitled to pilotage.	17 & 18 Vict. c. 104. s. 356.
456.	Allowance to licensed pilot taken out of his district	17 & 18 Vict. c. 104. s. 357.

Clauses.		Provisions of former Acts.
457.	Licensed pilot to be allowed payment for time during which he is kept in quarantine.	
458.	Power of licensed to supersede unlicensed pilot -	17 & 18 Vict. c. 104. s. 360.
459.	Occasions on which unlicensed persons may act as pilots.	17 & 18 Vict. c. 104. s. 362.
	Pilotage Dues.	
460.	Recovery of additional sums due to pilots -	17 & 18 Vict. c. 104. ss. 363, 364.
461.	Pilotage dues - - - - -	17 & 18 Vict. c. 104. s. 380.
462.	Pilotage dues payable by ships trading to the port of London whereof the owners are not resident. 1. Payment of dues. 2. Collection of dues. 3. Application of dues.	17 & 18 Vict. c. 104. s. 381, cl. 2, 3.
463.	Settlement of difference as to draught of ship [Trinity House].	17 & 18 Vict. c. 104. s. 384.
464.	Penalty on making a false declaration as to draught of ship, or falsifying marks.	17 & 18 Vict. c. 104. s. 359.
465.	Penalty for falsifying marks on ship - -	17 & 18 Vict. c. 104. s. 359.
	Compulsory Payment of Pilotage Dues, and Exemptions therefrom.	
466.	Employment of a pilot to be in no way compulsory.	
467.	Payment of pilots when compulsory - - -	17 & 18 Vict. c. 104. s. 353.
468.	Exemptions from compulsory payment of pilots. 1. Ships exempted from compulsory pilotage at the time of this Act. 2. Ships exempted or to be exempted by pilotage authorities. 3. Ships passing through pilotage district. 4. Coasting ships. 5. Ships trading north of Boulogne. 6. Stone ships from Guernsey, &c. 7. Ships within their own port. 8. Ships below a certain size. 9. Ships with certificated master or mates.	17 & 18 Vict. c. 104. ss. 353, 379, 332. 25 & 26 Vict. c. 63. s. 41. See also 6 Geo. 4. c. 125. s. 59.
469.	Power of pilotage authorities to make and extend exemptions from compulsory payment of pilotage dues.	6 Geo. 4. c. 125. s. 359. 17 & 18 Vict. c. 104. ss. 379, 340, 355, 332.
470.	Regulation respecting ship in a compulsory pilotage district.	17 & 18 Vict. c. 104. s. 378.
471.	Signals to be displayed by ship requiring pilot.	
472.	No persons to use rockets or signals for pilots.	
	Licensing of Masters and Mates.	
473.	Master or mate, if examined and passed, to receive a pilotage certificate enabling him to pilot particular ships.	17 & 18 Vict. c. 104. s. 340.
474.	Renewal of pilotage certificate - - -	17 & 18 Vict. c. 104. s. 341.

Clauses.		Provisions of former Acts.
475.	The Board of Trade may examine and grant pilotage certificates to masters and mates in certain cases.	17 & 18 Vict. c. 104. s. 342.
476.	Effect of Board of Trade certificate - -	17 & 18 Vict. c. 104. s. 342.
477.	Fees to be paid upon such certificate and the renewals thereof.	17 & 18 Vict. c. 104. s. 343.
478.	Power to withdraw pilotage certificates - -	17 & 18 Vict. c. 104. s. 344.
479.	No owner to be free from liability by reason of employing a licensed pilot.	17 & 18 Vict. c. 104. s. 344.
	Offences of Pilots.	
480.	Offences of pilots - - - - -	17 & 18 Vict. c. 104. s. 365.
481.	Penalty on pilot endangering ship, life, or limb -	17 & 18 Vict. c. 104. s. 366.
482.	Penalty for pilot obtaining charge of a ship by wilful misrepresentation.	17 & 18 Vict. c. 104. s. 367.
483.	Penalty on licensed pilot receiving too large dues	17 & 18 Vict. c. 104. s. 358.
484.	Penalty on licensed pilot making improper demands in respect of salvage.	
	Pilot Boats.	
485.	Pilot boats, how to be provided - - -	17 & 18 Vict. c. 104. s. 345.
486.	Trinity House to make regulations for the management of Trinity House pilot boats.	16 & 17 Vict. c. 129. s. 13.
487.	Characteristics of pilot boats - - -	17 & 18 Vict. c. 104. s. 346.
488.	Pilot when in charge of ship to display pilot flag.	
489.	Licensed pilot to display flag though not in pilot boat.	17 & 18 Vict. c. 104. s. 347.
490.	Penalty on ordinary boat displaying pilot flag -	17 & 18 Vict. c. 104. s. 348.
	Trinity House Pilot Fund.	
491.	Payments to be made to the Trinity House pilot fund.	17 & 18 Vict. c. 104. s. 385.
492.	Application of fund - - - - -	17 & 18 Vict. c. 104. s. 386. 16 & 17 Vict. c. 129. s. 12.
493.	Exemption of ships in Her Majesty's service, &c. from rates, &c.	10 & 11 Vict. c. 27. s. 21.

PART VIII.

Lighthouses Act.

Clauses.		Provisions of former Acts.
	Preliminary.	
494.	Short title.	
495.	Incorporation of certain sections of General Provisions Act.	
496.	Construction.	
	Management of Lighthouses and Sea Marks by General Lighthouse Authorities.	
497.	Management of lights to be vested in general lighthouse authorities.	17 & 18 Vict. c. 104. s. 389.
498.	Constitution of Commissioners of Northern Lighthouses.	17 & 18 Vict. c. 104. ss. 390, 391.
499.	Constitution of the Commissioners of Irish Lights	26 Geo. 3. c. 19. ss. 390, 391.
500.	Appointment of Commissioners of Irish Lights -	26 Geo. 3. c. 19. ss. 11–15.
501.	Power of Trinity House to inspect lighthouses in district of other general lighthouse authorities.	17 & 18 Vict. c. 104. s. 392.
502.	Returns to be made to the Board of Trade -	17 & 18 Vict. c. 104. s. 393.
503.	Board of Trade may appoint persons to inspect lighthouses, &c.	17 & 18 Vict. c. 104. s. 393.
	Construction of new Lighthouses and Sea Marks by General Lighthouse Authorities.	
504.	Power of general lighthouse authorities to erect, place, and alter lighthouses, &c.	17 & 18 Vict. c. 104. s. 404.
505.	Incorporation of Lands Clauses Acts - -	17 & 18 Vict. c. 104. s. 412.
506.	Power of Trinity House, with sanction of Board of Trade, to compel any execution of works by the general lighthouse authorities.	17 & 18 Vict. c. 104. s. 408.
507.	Power of Board of Trade to borrow, and of Public Works Loan Commissioners to advance money on the credit of Mercantile Marine Fund.	17 & 18 Vict. c. 104. ss. 424–426.
508.	Establishment of lighthouses, &c. to be fixed by Order in Council.	17 & 18 Vict. c. 104. s. 420.
509.	Power to grant superannuation allowances -	17 & 18 Vict. c. 104. s. 421. 16 & 17 Vict. c. 131. s. 13. 22 Vict. c. 26.
510.	Approval of estimates, &c. by Board of Trade -	17 & 18 Vict. c. 104. s. 424. cl. 3.
511.	Lighthouse authorities to account for receipt and expenditure to Board of Trade.	17 & 18 Vict. c. 104. s. 427.

Clauses.		Provisions of former Acts.
	General Light Dues.	
512.	General light dues to be levied - - - -	17 & 18 Vict. c. 104. s. 396.
513.	Powers of general lighthouse authorities to alter and regulate dues.	17 & 18 Vict. c. 104. s. 398.
514.	Publication of dues and regulations - -	17 & 18 Vict. c. 104. s. 399.
515.	General light dues to be collected and accounted for	17 & 18 Vict. c. 104. s. 402.
516.	Power of Her Majesty to revise general light dues. To fix general light dues for new lighthouses.	17 & 18 Vict. c. 104. ss. 397, 410.
517.	Receipt for light dues - - - - -	
518.	Payments to be made and expenses to be charged upon the Mercantile Marine Fund.	17 & 18 Vict. c. 104. ss. 4.
	Local Lighthouse Authorities.	
519.	General power of local lighthouse authority -	
	Construction of new Lighthouses, &c. by Local Authorities.	
520.	Local light dues to be fixed and varied by Order in Council.	25 & 26 Vict. c. 63. s. 46.
521.	Application of such local light dues - - -	25 & 26 Vict. c. 63. s. 47.
522.	Account to be given of local light dues - -	25 & 26 Vict. c. 63. s. 47.
523.	Payment and recovery of local light dues - -	
	Control of General over Local Authorities.	
524.	Returns to be made by the local authorities to the general authority.	25 & 26 Vict. c. 63. s. 43.
525.	Inspection of lights, &c. by general authority -	25 & 26 Vict. c. 63. s. 43.
526.	Control of general authorities over local authorities.	17 & 18 Vict. c. 104. ss. 394, 395.
527.	Transfer to general lighthouse authority of powers of local lighthouse authority on default of latter.	17 & 18 Vict. c. 104. s. 395.
	Surrender of Local Lighthouses.	
528.	Local lighthouses may be surrendered to general lighthouse authority.	17 & 18 Vict. c. 104. s. 413.
	Saving.	
529.	Saving of rights of local lighthouse authority -	
530.	Exercise of powers in Channel Islands - -	17 & 18 Vict. c. 104. s. 411.

Clauses.		Provisions of former Acts.
	Colonial Lighthouses and Sea Marks.	
531.	Her Majesty may fix light dues for colonial lighthouses.	18 & 19 Vict. c. 91. s. 2.
532.	Consent of legislature to light dues in colony -	18 & 19 Vict. c. 91. s. 3.
533.	Payment of colonial dues. Mode of collecting colonial light dues.	18 & 19 Vict. c. 91. s. 4.
534.	Colonial light dues to be paid to the Paymaster General.	18 & 19 Vict. c. 91. s. 5.
535.	Application of colonial light dues - - -	18 & 19 Vict. c. 91. s. 6.
536.	Power to borrow money on security of colonial light dues.	18 & 19 Vict. c. 91. s. 7.
537.	Account for each lighthouse to be kept, and abstracts thereof laid before Parliament.	18 & 19 Vict. c. 91. s. 8.
	False Lights and Damage to Lighthouse.	
538.	Maliciously removing or concealing sea marks or exhibiting false signals.	24 & 25 Vict. c. 97. ss. 47, 48. 17 & 18 Vict. c. 104. s. 414.
539.	Wilfully or negligently removing or concealing sea marks or exhibiting false signals.	17 & 18 Vict. c. 104. s. 414.
540.	General lighthouse authorities may prohibit false lights.	17 & 18 Vict. c. 104. s. 415.
541.	If not obeyed they may abate such lights -	17 & 18 Vict. c. 104. s. 416.

SCHEDULES.

PART IX.

CONSERVANCY ACT.

	Preliminary.	
542.	Short title.	
543.	Incorporation of certain sections of the General Provisions Act.	
	Preliminary Inquiries.	
544.	On application to Parliament for Act to authorize works on tidal lands, &c., power for Board of Trade to institute preliminary inquiries.	14 & 15 Vict. c. 49.
545.	Like power for Admiralty where interest of naval service affected.	25 & 26 Vict. c. 69. s. 4.
546.	Deposit of plans with Board of Trade.	23 & 24 Vict. c. 152. s. 41. 25 & 26 Vict. c. 69. s. 7.

Clause.		Provisions of former Acts.
	Regulations as to Work.	
547.	Restriction on works affecting harbours or navigation, under statutory powers.	8 & 9 Vict. c. 20. s. 17. 8 & 9 Vict. c. 33. s. 17. 10 & 11 Vict. c. 27. ss. 12, 13.
548.	Restriction on works affecting harbours or navigation, where there are no statutory powers.	46 Geo. 3. c. 153.
549.	Lights on works - - - - -	25 & 26 Vict. c. 19. s. 11. 26 & 27 Vict. c. 92. s. 13.
550.	Approval of Board of Trade to plans for bridge over tidal river.	26 & 27 Vict. c. 92. s. 14.
551.	User of bridges - - - -	26 & 27 Vict. c. 92. s. 15.
552.	Access to seashore under or across works -	26 & 27 Vict. c. 92. s. 16.
553.	Provision for preventing deviation of works along sea or tidal river without consent of Board of Trade.	26 & 27 Vict. c. 92. s. 17.
554.	Power for abatement of works disused - -	26 & 27 Vict. c. 92. s. 18.
555.	Power for local survey - -	26 & 27 Vict. c. 92. s. 19.
	Obstructions to Navigation.	
556.	Restriction on deposit of ballast, rubbish, &c. -	19 Geo. 2. c. 22. ss. 1, 2. 54 Geo. 3. c. 158, ss. 11, 12, 13, and 15.
557.	Removal of wreck - - - -	19 Geo. 2. c. 22. s. 3. 54 Geo. 3. c. 159. ss. 17, 19.
	Removal of Shingle.	
558.	Power to make byelaws respecting removal of ballast, shingle, &c. from shore.	54 Geo. 3. c. 159. s. 14.
559.	Restriction on removal of ballast, shingle, &c. from shore under management of Board of Trade.	
560.	Series of acts tending to injury of navigation.	
561.	Saving for powers independent of this Act -	29 & 30 Vict. c. 62.
562.	Expenses incurred by general lighthouse authorities payable out of Mercantile Marine Fund.	
	Determination as to which of two Bodies is the Conservancy Authority.	
563.	Power to determine by order in council -	
	Transfer to Board of Trade of Powers under existing special Acts.	
564.	Powers for protection of navigation, &c. under local Acts for works on tidal lands, &c. to be exercised by Board of Trade.	25 & 26 Vict. c. 69. s. 8.

Clauses.		Provisions of former Acts.
565.	Power to Admiralty to retain authority over ports, &c. where dockyards, &c. are situate.	25 & 26 Vict. c. 69. s. 9.
566.	Exception as to Mersey and Thames - -	25 & 26 Vict. c. 68. s. 10.
567.	Saving for prerogative of Crown and general conservancy powers of Admiralty.	5 & 6 Vict. c. 110. 20 & 21 Vict. c. 147. s. 3. 25 & 26 Vict. c. 69. ss. 18 and 19.
568.	Saving for past acts, contracts, and appointments, and proceedings pending, &c.	25 & 26 Vict. c. 69. ss. 18 and 19.
569.	Saving of powers under local Acts.	
570.	Provision for notices under Artillery Ranges Act, 1862, being given to Board of Trade.	25 & 26 Vict. c. 36. s. 2.

PART X.

Harbours Act.

Clauses.		Provisions of former Acts.
	Preliminary.	
571.	Short title.	
572.	Definitions.	
573.	Incorporation of certain sections of the General Provisions Act.	
574.	Application.	
575.	The provisions of this Act may be made to apply to existing harbour authorities by Order in Council.	
	Harbour Dues.	
576.	Power to raise or lower dues.	10 & 11 Vict. c. 27. s. 30.
577.	Right of unobstructed access to harbour on payment of dues.	10 & 11 Vict. c. 27. s. 33. 25 & 26 Vict. c. 19. s. 13.
578.	Compositions for dues - - - -	10 & 11 Vict. c. 27. s. 32.
579.	Power for harbour authority to contract for use of pier or works.	
580.	Prohibition of levying of dues before completion of harbour.	10 & 11 Vict. c. 27. s. 25.
581.	List of dues - - - - -	10 & 11 Vict. c. 27. s. 47.
582.	Byelaws respecting dues.	
583.	Ships returning from stress of weather - -	10 & 11 Vict. c. 27. s. 29.

Clauses.		Provisions of former Acts.
584.	In case of difference power to weigh or measure goods and detain ship.	10 & 11 Vict. c. 27. ss. 40, 41.
585.	Power for collector of customs to withhold clearance until dues paid.	10 & 11 Vict. c. 27. s. 48.
586.	Power for Board of Trade to revise dues in certain cases.	25 & 26 Vict. c. 19. s. 14.
	Accounts.	
587.	Contents of accounts - - - -	10 & 11 Vict. c. 27. s. 49.
588.	Annual account - - - -	10 & 11 Vict. c. 27. s. 50.
589.	Audit of accounts on complaint to Board of Trade in certain cases.	25 & 26 Vict. c. 19. ss. 15, 16.
	Officers and Servants.	
590.	Appointments and duties of harbour masters and other officers.	10 & 11 Vict. c. 27. ss. 51, 81.
591.	Power of harbour master - - -	10 & 11 Vict. c. 27. s. 52.
592.	Employment of weighers and meters - -	10 & 11 Vict. c. 27. s. 82.
593.	Penalty on offering bribes to officers - -	10 & 11 Vict. c. 27. s. 55.
594.	Special constables - - - -	10 & 11 Vict. c. 27. s. 79.
	Harbour Regulations.	
595.	Power by byelaws to regulate use of harbour, entrance of ships, anchoring, &c.	10 & 11 Vict. c. 27. ss. 52, 83.
	Byelaws.	
596.	Power for harbour authority to make byelaws, subject to allowance by Board of Trade.	10 & 11 Vict. c. 27. ss. 83–90.
	Warehouses, Cranes, and other Conveniences.	
597.	Power to purchase additional land required for extraordinary purposes, and to do certain other things.	10 & 11 Vict. c. 27. ss. 20, 21, 22, 23. 25 & 26 Vict. c. 19. s. 20.
	Lifeboats.	
598.	Harbour authority to provide lifeboats and other apparatus on requisition of Board of Trade.	10 & 11 Vict. c. 27. ss. 16, 17.
	Tide Gauges and Barometers.	
599.	Provision by harbour authority of tide gauge and barometer, and accounts of workings.	10 & 11 Vict. c. 27. ss. 18, 19.
	Damage in Harbour.	
600.	Responsibility for injury to works of harbour -	10 & 11 Vict. c. 27. s. 74.
601.	Recovery over by owner from master of ship, &c.	10 & 11 Vict. c. 27. s. 76.
602.	Penalty for wilfully cutting moorings - -	10 & 11 Vict. c. 27. s. 62.

Clauses.		Provisions of former Acts.
	Her Majesty's Customs.	
603.	Approval of legal quays by Treasury, &c. -	10 & 11 Vict. c. 27. s. 24.
604.	Provision by harbour authority of watchhouses, huts, &c. for customs officers.	10 & 11 Vict. c. 27. s. 14.
605.	Freedom of passage for customs officers.	
606.	Harbour authority to have no power to do anything inconsistent with the law relating to customs.	10 & 11 Vict. c. 27. s. 52.
	Sites for protecting Batteries.	
607.	Power to Secretary of State for War to take and hold lands, &c. for batteries, &c.	24 & 25 Vict. c. 45. s. 20.
	Determination as to which of two bodies is the Harbour Authority.	
608.	Power to determine by Order in Council.	
	Special Acts for Harbours.	
609.	Correction of errors and omissions in plans and books of reference.	10 & 11 Vict. c. 27. s. 7.
610.	Access to special Act - - - -	10 & 11 Vict. c. 27. ss. 97, 98.
611.	Incorporation of Lands Clauses Acts with the special Act of every harbour.	
	Subjection of Harbour to general Acts.	
612.	Application of Merchant Shipping Acts and other Acts.	25 & 26 Vict. c. 19. s. 21.
	Loans to Harbour Authorities,	
613.	Provisions as to loans to harbour authorities by Public Works Loan Commissioners.	24 & 25 Vict. c. 47. s. 3. 25 & 26 Vict. c. 69. ss. 20, 22.
614.	Power to proprietor of harbour for limited estate to charge estate of subsequent takers under same settlement.	24 & 25 Vict. c. 47. ss. 2, 3. 25 & 26 Vict. c. 69. ss. 20, 22.
615.	Power of Board of Trade to authorize suspension of sinking fund, &c. under the special Act.	29 & 30 Vict. c. 30. ss. 1, 2.
	Provisional Orders for Harbours.	
616.	Power to apply to Board of Trade and of Board of Trade to make Provisional Orders.	24 & 25 Vict. c. 45. ss. 3, 15. 17, 18, 19. 25 & 26 Vict. c. 19. s. 12. 25 & 26 Vict. c. 69. s. 13.

PART XI.

Shipping Dues Act.

Clauses.	Provisions of former Acts.
Preliminary.	
617. Short Title.	
618. Incorporation of sections.	
619. Application.	
620. Extent of Act.	
Payment and Recovery of Dues.	
621. Liability for dues payable by ship - -	17 & 18 Vict. c. 104. ss. 363, 381. 25 & 26 Vict. c. 63. ss. 44, 66.
622. Power for consignees, &c. to retain dues paid by them.	17 & 18 Vict. c. 104. ss. 363, 381. 25 & 26 Vict. c. 63. s. 45.
623. Recovery of dues - - - - -	17 & 18 Vict. c. 104. s. 401.
624. Settlement of disputes concerning dues or charges occasioned by distress.	10 & 11 Vict. c. 27. s. 46.
625. Penalty on evasion - - - - -	10 & 11 Vict. c. 27. s. 43.
Prohibition of certain Classes of Dues.	
626. Prohibition of partiality as to dues - -	10 & 11 Vict. c. 21. s. 30. 25 & 26 Vict. c. 19. s. 17.
627. Prohibition of passing tolls - - - -	24 & 25 Vict. c. 47. s. 4.
628. Prohibition of differential dues - - -	24 & 25 Vict. c. 47. s. 10.
629. Prohibition of dues except for shipping purposes -	24 & 25 Vict. c. 47. s. 6–9.
630. Prohibition of dues inconsistent with treaties -	
631. No exemption from dues allowed in United Kingdom on account of reasons herein named.	30 & 31 Vict. c. 15. s. 4.
Dues levied on Ships not to be sold or charged.	
632. Dues not to be sold - - - - -	16 & 17 Vict. c. 131. s. 24.
633. Such sales or mortgages to be void, except in certain cases.	16 & 17 Vict. c. 131. s. 24.
Provisions as to Transfer of Dues.	
634. Power to transfer dues - - -	24 & 25 Vict. c. 47. ss. 17, 18, 19.
635. Provisional order for transfer.	
636. Application of dues and of consideration money -	24 & 25 Vict. c. 47. ss. 17, 20.
637. Power to borrow for transfer - - -	24 & 25 Vict. c. 47. ss. 17, 20.
General Savings.	
638. Exemption of ships in Her Majesty's service, &c., from rates, &c.	10 & 11 Vict. c. 27. s. 21.

PART XII.

Crimes Act.

Clauses.		Provisions of former Acts.
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639.	Short title.	
640.	Incorporation of certain clauses of General Provisions Act.	
	Crimes against Ships.	
641.	Malicious destruction of ship - - - -	12 G. 3. c. 24., 29 G. 3. c. 46. s. 1., 5 & 6 Vict. c. 28. s. 2., 24 & 25 Vict. c. 97. ss. 42. 43, & 47., 24 & 25 Vict. c. 100. s. 13., 24 & 25 Vict. c. 97. s. 44.
642.	Malicious damage to a ship a misdemeanor.	
643.	Misconduct endangering ship or life or limb a misdemeanor.	17 & 18 Vict. c. 104. s. 239.
644.	Endangering life in sending ship to sea unseaworthy.	
645.	Piracy declared to be felony.	
	Jurisdiction in respect of certain Offences.	
646.	Extension of jurisdiction in respect of offences triable in the United Kingdom.	
647.	Jurisdiction of British Court in respect of offences at sea.	*See* 17 & 18 Vict. c. 104. s. 267, 18 & 19 Vict. c. 91. s. 21., 30 & 31 Vict. c. 124. s. 11.
648.	Jurisdiction of British Court in respect of offences by seafaring persons.	57 G. 3. c. 53., 17 & 18 Vict. c. 104. s. 267.
649.	Venue - - - - - - -	24 & 25 Vict. c. 97.
650.	Power to remove offenders.	
651.	Conveyance of offenders and witnesses to United Kingdom or some British possession.	17 & 18 Vict. c. 104. s. 268.

PART XIII.

GENERAL PROVISIONS ACT.

Clauses.		Provisions of former Acts.
	Preliminary.	
652.	Short title.	
653.	Incorporation of this Act in previous Acts.	
	Legal Procedure.—(I.) Jurisdiction.	
654.	Magisterial jurisdiction arising off the shore of the United Kingdom.	17 & 18 Vict. c. 104. s. 521.
655.	Definition of Superior Court.	
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658.	Harbour-master at Holyhead may be commissioned as justice.	30 & 31 Vict. c. 124. s. 12.
	Legal Procedure.—(II.) Summary Proceedings.	
659.	Summary proceedings for offences - - -	17 & 18 Vict. c. 104. s. 518.
660.	Punishment of misdemeanor - - -	17 & 18 Vict. c. 104. s. 518. para. 1 & 2.
661.	Summary procedure - - - -	17 & 18 Vict. c. 104. s. 518.
662.	Limitation of time in summary proceedings -	17 & 18 Vict. c. 104. s. 525.
663.	Appeal on summary conviction in England -	17 & 18 Vict. c. 104. s. 518. para. 4.
	Legal Procedure.—(III.) Evidence.	
664.	Depositions to be received in evidence when witness cannot be produced.	17 & 18 Vict. c. 104. s. 270.
665.	Document proved without calling attesting witness	17 & 18 Vict. c. 104. s. 526.
666.	Service of notices and proof thereof.	
	Legal Procedure.—(IV.) Process.	
667.	Sums ordered to be paid leviable by distress of ship	17 & 18 Vict. c. 104. s. 523.
668.	Judge of Court of Record or Admiralty to arrest ship which has occasioned damage when belonging to an owner resident out of the United Kingdom. Power in certain cases to detain ship before application to judge.	17 & 18 Vict. c. 104. s. 527. and 528.
669.	Who to be defendant to suit in such cases -	17 & 18 Vict. c. 104. s. 529.

Clauses.		Provisions of former Acts.
	Legal Procedure.—(V.) Costs.	
670.	Costs of the prosecution of misdemeanors may be allowed.	*See* 17 & 18 Vict. c. 104. s. 518. and 24 & 25 Vict. c. 97. s. 77.
671.	Application of penalties - - - -	*See* 17 & 18 Vict. c. 104. s. 524. and 10 & 11 Vict. c. 27. s. 95.
	Legal Procedure.—(VI.) General.	
672.	The Act not to prevent persons from being indicted under any other Act, &c.	
673.	Solicitors, clerks, and officers of customs may conduct cases.	16 & 17 Vict. c. 107. s. 323.
	Provisional Orders.	
674.	Notices and deposit of documents by promoters -	24 & 25 Vict. c. 45. ss. 5 & 6. and 25 & 26 Vict. c. 19.
675.	Power for Board of Trade to determine on application and on objection.	24 & 25 Vict. c. 45., 25 & 26 Vict. c. 19.
676.	Power for Board of Trade to make provisional order. Form and contents of provisional order.	24 & 25 Vict. c. 45., 25 & 26 Vict. c. 19.
677.	Publication of provisional order as in schedule.	
678.	Confirmation of provisional order by Act of Parliament.	24 & 25 Vict. c. 45., 25 & 26 Vict. c. 19. s. 37.
679.	Costs of order - - - -	24 & 25 Vict. c. 45., 25 & 26 Vict. c. 19.
680.	Deposit of documents with clerk of the peace.	
	Orders in Council.	
681.	Orders in Council.	
682.	Schedules may be altered or repealed by Order in Council.	
	Inspectors.	
683.	Appointment of inspectors by Board of Trade, and their powers.	17 & 18 Vict. c. 104. ss. 14–16, and 24.
	Dues.	
684.	Liability for dues payable by ship - - -	17 & 18 Vict. c. 104, ss. 363, 381. and 25 & 26 Vict. c. 63. ss. 44, 66.
685.	Power for consignees, &c. to retain dues paid by them.	17 & 18 Vict. c. 104. ss. 363, 381. and 25 & 26 Vict. c. 63. s. 45.
686.	Recovery of dues - - - - -	17 & 18 Vict. c. 104. s. 401.
687.	Settlement of disputes concerning dues or charges occasioned by distress.	10 & 11 Vict. c. 27. s. 46.

Clauses.		Provisions of former Acts.
	Dues—cont.	
688.	Penalty on evasion - - - -	10 & 11 Vict. c. 27. s. 43.
689.	Recovery of damages and dues, and by distress of ship.	10 & 11 Vict. c. 27. s. 75., 17 & 18 Vict. c. 104. s. 401., and 25 & 26 Vict. c. 63. s. 46.
	Detention of Ships.	
690.	Detention of ships.	
	General Savings.	
691.	Exemption of ships in Her Majesty's Service, &c. from rates, &c.	10 & 11 Vict. c. 27. s. 21.
	Construction.	
692.	Definitions.	
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A

B I L L

TO

Consolidate and amend the Acts relating to Merchant Shipping and Navigation. A.D. 1870

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Division of Act.

1. This Act shall be divided into parts, intituled as follows:—

Part 1.—Registry Act.
Part 2.—Masters and Seamen Act.
Part 3.—Prevention of Accidents Act.
Part 4.—Delivery of Goods Act.
Part 5.—Liability of Shipowners Act.
Part 6.—Wreck and Salvage Act.
Part 7.—Pilotage Act.
Part 8.—Lighthouses Act.
Part 9.—Conservancy Act.
Part 10.—Harbours Act.
Part 11.—Shipping Dues Act.
Part 12.—Crimes Act.
Part 13.—General Provisions Act.

Each of such parts, with the Schedules annexed thereto, is in this Act referred to as, and shall for all purposes be deemed except as therein expressly provided, to be a separate Act, and may accordingly be cited, printed, and published separately by the title therein in that behalf mentioned.

The whole of such parts are in this Act referred to as and may be cited, printed, and published together by the title of the Merchant Shipping Code, 1870.

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British Ships.

PART I.

REGISTRY ACT.

Preliminary.

Short title.

2. This Act may be cited as the Merchant Shipping Code (Registry Act), 1870.

Incorporation of certain sections of General Provisions Act.

3. There shall be incorporated with this Act the sections of the Merchant Shipping Code (General Provisions Act), 1870, relating to Legal Procedure, Orders in Council, Detention of Ship, and Construction.

Exemption of Her Majesty's ships.

4. This Act shall not, except as herein expressly provided, apply to ships belonging to Her Majesty.

British Ships.

Definition of British ship, and of owners of British ships.
17 & 18 Vict. c. 104. s. 18.

5. A British ship is a ship owned wholly by persons qualified to be owners of British ships.

The persons following and no others are qualified to be owners of British ships:—

(1.) Natural-born British subjects:

(2.) Persons naturalized by or in pursuance of an Act of Parliament of the United Kingdom, or by or in pursuance of an Act or ordinance of the proper legislative authority in a British possession:

(3.) Persons made denizens by letters of denization;

(4.) Bodies corporate established under and subject to the laws of some part of Her Majesty's dominions, and having their principal place of business in those dominions:

Provided that any person who either—

(1.) being a natural-born British subject has taken the oath of allegiance to a foreign sovereign or state, or become a citizen of a foreign state; or

(2.) has been naturalized or made a denizen as aforesaid;

shall not be entitled to be owner of a British ship unless after taking the said oath or becoming citizen of a foreign state, or being naturalized or made denizen as aforesaid, such person has taken the oath of allegiance to Her Majesty, and is for the time being either resident in Her Majesty's dominions, or partner in a firm actually carrying on business in Her Majesty's dominions.

British ships obliged to be registered.
17 & 18 Vict. c. 104, s. 19.

6. Every British ship, as defined by this Act (if not exempted from registry), and no other ship, shall be registered under this Act, and a British ship unless so registered or exempted from registry shall not be entitled to be recognized as a British ship.

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Registry—General.

It shall be lawful for Her Majesty from time to time, by Order in Council, to direct that any classes of ships specified in the Order may be exempted from registry under this Act, and such ships shall, while the Order is in force, be exempted accordingly.

Registry—General.

Register Book, and entries therein. 17 & 18 Vict. c. 104. ss. 32, 37.

7. For the purpose of the registry of British ships every registrar under this Act shall keep a book to be called the register book.

Entries in such book shall be made in accordance with the following provisions:

(1.) The property in a ship shall be divided into sixty-four shares:

(2.) Subject to the provisions of this Act respecting joint owners and owners by transmission, not more than thirty-two persons shall be entitled to be registered at the same time as owners of any one ship; but this provision shall not affect the beneficial interest of any number of persons represented by or claiming under or through any registered owner or joint owner:

(3.) No person shall be registered as owner of a fractional part of a share in a ship; but any number of persons, not exceeding five, may be registered as joint owners of a ship, or of a share or shares therein:

(4.) Joint owners shall, as regards the provisions of this section relative to the number of persons entitled to be registered as owners, be considered as constituting one person only, and shall not be entitled to dispose in severalty of any interest in any ship, or in any share or shares therein in respect of which they are registered:

(5.) A body corporate may be registered as owner by the corporate name.

Measurement, survey, and marking name, number, &c. of ship. 17 & 18 Vict. c. 104. ss. 25, 34, 36. 18 & 19 Vict. c. 91. s. 13.

8. Before the registry of a ship the following things shall be done:—

(1.) The ship shall be surveyed and measured in accordance with the regulations in that behalf contained in this Act, by a surveyor appointed under this Act:

(2.) There shall be delivered to the registrar the certificate of the surveyor specifying the ship's tonnage and build, and the horse power of her engines, if any:

(3.) The number denoting her register tonnage and her official number shall be deeply carved or otherwise permanently marked on her main beam:

(4.) An accurate scale of feet showing her draft of water shall be deeply carved or otherwise permanently marked on her stem and stern:

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Registry—General.

(5.) The name of the ship and the name of her port of registry shall be painted on a conspicuous part of her stern on a dark ground in white or yellow letters of a length not less than four inches, and of proportionate breadth and thickness (but the Commissioners of Customs may, with the consent of the Board of Trade, exempt any pleasure yacht from doing this).

Application for registry by whom to be made. 17 & 18 Vict. c. 104. s. 5.

9. An application for registry of a ship shall be made in the case of individuals by the person requiring to be registered as owner, or by some one or more of the persons so requiring if more than one, or by his or their agent, and in the case of bodies corporate by their agent, the authority of such agent, if appointed by individuals, being testified by writing under the hands of the appointors, and if appointed by a body corporate by writing under the common seal of that body.

Declaration of ownership by individual or for body corporate. 17 & 18 Vict. c. 104. ss. 38, 39.

10. An applicant for registry shall not be entitled to be registered as owner of a ship or of a share therein until, if an individual he himself, and if a body corporate their secretary or other officer, has made and signed a declaration referring to the ship as described in the surveyor's certificate, and containing the following particulars :—

(1.) A statement of the qualification of the applicant to own a British ship :

(2.) A statement of the name of the ship :

(3.) A statement of the name of the owner, or, if there be more than one owner, of the managing owner (if any), of the ship :

(4.) A statement of the time when and the place where she was built, or, if she is foreign-built and the time or place of building is not known to the declarant, a statement that she is foreign built and that the declarant does not know the time or place of her building, with a statement of her foreign name ; and in the case of a ship condemned, a statement of the time, place, and court at and by which she was condemned :

(5.) A statement of the name of the master :

(6.) A statement of the number of shares in the ship which the applicant owns :

(7.) A denial, to the best of the declarant's knowledge and belief, that any unqualified person or body has as owner any legal or beneficial interest in the ship or in any share therein :

(8.) A denial to the best of the declarant's knowledge and belief that the ship has previously been registered as a British ship by any other name than that stated in the declaration.

Evidence on first registry. 17 & 18 Vict c. 104. s. 40.

11. On the first registry of a ship there shall, besides the declaration of ownership, be produced the following evidence:

(1.) In the case of a British-built ship, a certificate (which the builder is hereby required to grant under his hand) containing a true account of the proper denomination and of the tonnage of the ship as estimated by him, and of the time when and of the place where she was built, and of the name of the person (if any) on whose account he built the same, and if there has been any sale, the bill of sale under which the ship, or a share therein, has become vested in the applicant for registry:

(2.) In the case of a foreign-built ship the same evidence as in the case of a British-built ship, unless the declarant who makes the declaration of ownership declares that the time and place of her building are unknown to him, or that the builder's certificate cannot be procured, in which case there shall be required only the bill of sale under which the ship, or a share therein, became vested in the applicant for registry:

(3.) In the case of a ship condemned an official copy of the condemnation.

Particulars of entry in register book. 17 & 18 Vict c. 104. s. 42.

12. As soon as the requisitions of this Act preliminary to registry have been complied with the registrar shall enter in the register book the following particulars relating to the ship:

(1.) The name of the ship and of the port to which she belongs:

(2.) Her official number:

(3.) The details comprised in the surveyor's certificate:

(4.) The particulars respecting her origin stated in the declaration of ownership:

(5.) The name and description of her registered owner or owners, and if there are more owners than one the proportions in which they are interested in her:

(6.) The name of the managing owner (if any).

No notice of trusts. 17 & 18 Vict c. 104. s. 43.

13. Notice of any trust, express, implied, or constructive, shall not be entered in the register book or be receivable by the registrar, and, subject to any rights and powers appearing by the register book to be vested in any other person, the registered owner of a ship or share therein shall have power absolutely to dispose in manner in this Act provided of such ship or share, and to give effectual receipts for any money paid or advanced by way of consideration.

Registrar to retain documents. 17 & 18 Vict. c. 104. s. 61.

14. Of the documents by this Act required to be produced to the registrar he shall retain in his possession the following;

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namely, the surveyor's certificate, the builder's certificate, the copy of the condemnation, and all declarations of ownership.

Certificate of Registry.

Port of registry. 17 & 18 Vict. c. 104. s. 33.

15. The port or place at which a British ship is registered for the time being shall be deemed her port of registry or the port to which she belongs.

Name of ship. 17 & 18 Vict. c. 104. s. 34.

16. The following rules shall be observed with respect to registered British ships:

(1.) The particulars required by this Act to be carved or permanently marked or painted before the registry of the ship shall be so continued.

(2.) No concealment, absence, or avoidable obliteration of the name of any ship or port shall be permitted, except for the purpose of escaping capture by an enemy:

(3.) A ship shall not be described, by or with the knowledge of her owner or master, by any name other than the one by which she is registered:

(4.) No change shall be made in the name of any registered ship:

(5.) If in any case it is shown to the satisfaction of the Commissioners of Customs that a change has been made in the name of any registered ship, they may, if they think fit, direct that her name be altered into that which she bore before such change, and the name shall be altered in the register book, in the ship's certificate of registry, and on the ship's stern accordingly:

(6.) Where a ship having once been registered has ceased to be so registered no person unless ignorant of such previous registry, (proof whereof shall lie on him,) shall apply to register, and no registrar shall knowingly register such ship, except by the name by which she was previously registered:

Every person who by any act or omission acts or directs or permits any person under his control to act (by any act or omission) in contravention of this section shall be liable to a penalty not exceeding one hundred pounds, and any officer may detain the ship until the provisions of this section are complied with.

Certificate of Registry.

Certificate of registry. 17 & 18 Vict. c. 104. s. 44.

17. On completion of the registry of a ship, the registrar shall grant a certificate of registry comprising the particulars respecting her entered in the register book, and the name of her master.

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Certificate of Registry.

18. The certificate of registry shall be used only for the lawful navigation of the ship, and shall not be subject to detention by reason of any title, lien, charge, or interest whatever had or claimed by any owner, mortgagee, or other person to, [on, or in the ship.

Custody of certificate.

17 & 18 Vict. c. 104. ss. 50., 51.

If any person, whether interested in the ship or not, fails on request to deliver up the certificate of registry to the person entitled to the custody thereof for the purposes of the lawful navigation of the ship or to any registrar, officer of customs, or other person entitled by law to require such delivery, any justice by warrant under his hand, or any court capable of taking cognizance of the matter, may cause the person so failing to appear and be examined touching such failure, and such person, unless he shows to the satisfaction of the justice or court that there was reasonable cause for such failure, shall be liable to a penalty not exceeding *one hundred pounds;* but if it appears to the justice or court that the certificate is lost the person complained of shall be discharged, and the justice or court shall thereupon certify that the certificate of registry is lost.

If the person so failing is proved to have absconded so that the warrant of a justice or process of a court cannot be served on him, or if he persists in not delivering up the certificate, the justice or court before whom he is charged shall certify the fact, and the same proceedings may then be taken as in the case of a certificate mislaid, lost, or destroyed, or as near thereto as circumstances permit.

Penalty for use of improper certificate.

17 & 18 Vict. c. 104. s. 52.

19. If the master or owner of a ship uses or attempts to use for her navigation a certificate of registry not legally granted in respect of such ship, he shall be guilty of a misdemeanor, and such ship shall be subject to forfeiture under this Act.

Power to grant new certificate.

17 & 18 Vict. c. 104. s. 47.

20. The registrar of the port of registry of a ship, may at any time, with the approval of the Commissioners of Customs, and on the delivery up to him of the certificate of registry of a ship, grant a new certificate in lieu thereof.

Provision for loss of certificate.

17 & 18 Vict. c. 104. ss. 48, 49.

21. In the event of the certificate of registry of a ship being mislaid, lost, or destroyed, the master of the ship or some other person having knowledge of the facts of the case, shall make a declaration stating the facts of the case, and on such declaration being made, the registrar of her port of registry shall grant a new certificate of registry in lieu of and as a substitute for her original certificate.

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Certificate of Registry.

If the place at which the ship is at the time of the event, or first arrives after the time of such event, either—

(*a.*) Is not in the United Kingdom if the ship is registered in the United Kingdom; or,

(*b.*) Is not in the British possession in which the ship is registered; or,

(*c.*) Is not the foreign port of registry in which the ship is registered;

then upon the said declaration being made, stating also the names and descriptions of the registered owners to the best of the declarant's knowledge and belief, the registrar at such place, or if there is none the British consular officer of such place, shall grant a provisional certificate, containing a statement of the circumstances under which it is granted.

The provisional certificate shall continue in force only until the first subsequent arrival of the ship at her port of registry or her port of discharge in the United Kingdom, if she be registered in the United Kingdom, or in the British possession in which she is registered, and such certificate shall within *ten* days after such arrival, be delivered up to the registrar of her port of registry, who shall thereupon grant the new certificate of registry; and if the master fail to deliver up the provisional certificate within the ten days aforesaid, he shall be liable to a penalty not exceeding *fifty pounds*.

Endorsement of change of master on certificate.

17 & 18 Vict. c. 104. s. 46.

22. Where the master of a registered British ship is changed, each of the following persons,—that is to say, if the change is made in consequence of the sentence of any court having Admiralty jurisdiction or of a naval court, the judge or presiding officer of that court, but if the change occurs from any other cause, the registrar, or if there be none, the British consular officer resident at the port where the change occurs,—shall endorse and sign on the certificate of registry a memorandum of the change, and shall forthwith report the change to the Commissioners of Customs; and any officer of customs at any port in Her Majesty's dominions may refuse to admit any person to do any act there as master of a British ship unless his name is inserted in or endorsed on her certificate of registry as her last appointed master.

Endorsement of change of ownership on certificate.

17 & 18 Vict. c. 104. s. 45.

23. Whenever a change occurs in the registered ownership of a ship, the master, or if there be for the time being no master, the owner or other person having the custody of the certificate of registry, shall deliver such certificate to the registrar, who shall

Certificate of Registry.

endorse thereon a memorandum of the change; such delivery shall be made as follows; namely,—

(1.) If the change occurs while the ship is at her port of registry, the delivery shall be made forthwith to the registrar of the port:

(2.) If the change occurs while the ship is not at her port of registry, the delivery shall be made either

(*a*) To the registrar of that port forthwith on her first return to that port; or,

(*b*) If the ship previously arrives at a port where there is a registrar, to that registrar if so required by him after being advised by the registrar of the ship's port of registry of the change, so nevertheless that the ship be not detained by such requisition.

If any master, owner, or other person, without reasonable excuse (proof whereof shall lie on him), fail to deliver to the registrar the certificate of registry as required by this section he shall be liable to a penalty not exceeding *one hundred pounds*.

Delivery up of certificate of ship lost or ceasing to be British owned.

17 & 18 Vict. c. 104. s. 53.

24. In the event of a registered ship being lost, taken by the enemy, burnt, or broken up, or by reason of a transfer to persons not qualified to be owners of British ships, or otherwise ceasing to be a British ship, every person who, at the time of the occurrence of the event aforesaid, owns the ship, or any share therein, shall immediately on obtaining knowledge of the event, give notice thereof to the registrar at her port of registry, if such notice has not already been given to him, and such registrar shall make an entry thereof in the register book; and, except where her certificate of registry is lost or destroyed, the master of the ship shall, if the event occurs in port, immediately, but if it occurs elsewhere then within *ten* days after his arrival in port, deliver the certificate to the registrar, or if there be no registrar to the consular officer there, and the registrar, if he is not himself the registrar of her port of registry, or the British consular officer, shall forthwith forward the certificate delivered to him to the registrar of her port of registry; and if any owner or master, without reasonable excuse (proof whereof shall lie on him), fails in any respect to comply with this section, he shall for every such offence be liable to a penalty not exceeding *one hundred pounds*.

Provisional certificate for ships becoming British-

25. If at a foreign port, not being a foreign port of registry under this Act, a ship becomes the property of a person qualified to own a British ship, the British consular officer there may grant to her master, on his application, a provisional certificate, stating,—

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(1.) Her name:
(2.) The time and place of her purchase, and the name of her purchaser:
(3.) The name of her master:
(4.) The best particulars respecting her tonnage, build, and description that he is able to obtain:

owned abroad. 17 & 18 Vict. c. 104. s. 54.

And he shall forward a copy of the certificate at the first convenient opportunity to the Commissioners of Customs, and the certificate shall have the effect of a certificate of registry until the expiration of *six months* from its date, or the ship's arrival at a port where there is a registrar (whichever first happens), and on either of those events happening the certificate shall cease to have effect.

On the arrival of the ship at a port where is a registrar the master shall forthwith deliver the provisional certificate to the registrar, and if any master, without reasonable excuse (proof whereof shall lie on him), fail to comply with this enactment, he shall for every offence be liable to a penalty not exceeding *one hundred pounds*.

Transfers and Transmissions.

Transfer of ships or shares. 17 & 18 Vict. c. 104. s. 55.

26. A registered ship or a share therein (when disposed of to a person qualified to own a British ship) shall be transferred by bill of sale; and a bill of sale shall contain a description of the ship corresponding with that in the surveyor's certificate, or some other description sufficient to identify the ship to the satisfaction of the registrar, and shall be executed by the transferor in the presence of and be attested by a witness or witnesses.

Declaration by transferee. 17 & 18 Vict. c. 104. s. 56.

27. Where a registered ship or a share therein is transferred, the transferee shall not be entitled to be registered as owner thereof until if an individual he himself, and if a body corporate their secretary or other officer, has made and signed a declaration (in this Act called a declaration of transfer) referring to the ship, and containing the following particulars:—

(1.) A statement of the qualification of the transferee to own a British ship:
(2.) The name of the managing owner of the vessel (if any):
(3.) A denial that to the best of the declarant's knowledge and belief any unqualified person or body owns or own any legal or beneficial interest in the ship or share.

Register of transfer. *See* 17 & 18 Vict. c. 104. s. 57.

28. Every bill of sale for the transfer of a registered ship or of a share therein, when executed, shall be produced to the registrar of her port of registry, with the declaration of transfer, and the

registrar shall thereupon enter in the register book the name of the transferee as owner of the ship or share, and shall endorse on the bill of sale the fact of such entry having been made, with the day and hour thereof; and bills of sale of a ship or of a share therein shall be entered in the register book in the order of their production to the registrar.

Where the transfer is made to a person not qualified to be the owner of a British ship the registrar shall make a memorandum of such transfer in the register book, and the registry of the ship in such book shall be considered as closed, except so far as relates to any unsatisfied mortgages or existing certificates of mortgage entered therein.

Transmission of property by death, bankruptcy, marriage, &c.

17 & 18 Vict. c. 104. ss. 58–60.

29. Where the property in a registered ship or share therein is transmitted in consequence of the death, bankruptcy, or insolvency of any registered owner, or of the marriage of a female owner, or otherwise than by transfer under this Act, a claimant under such transmission shall not be entitled to be registered as owner unless the following provisions are complied with :—

(1.) If an individual he shall, and if a body corporate their secretary or other officer shall authenticate the transmission by making and signing a declaration (in this Act called a declaration of transmission) identifying the ship and containing the same particulars (mutatis mutandis) as those required in a declaration of transfer, and also a statement of the manner in which and the person to whom the property has been transmitted :

(2.) If the transmission is consequent on bankruptcy or insolvency, the declaration of transmission shall be accompanied by such evidence as is for the time being receivable in courts of justice as proof of the title of persons claiming under a bankruptcy or insolvency :

(3.) If it is consequent on marriage, the declaration of transmission shall be accompanied by a copy of the register of the marriage or other legal evidence of the celebration thereof, and shall declare the identity of the female owner :

(4.) If the transmission is by bequest or on intestacy, then the declaration of transmission shall be accompanied in England and Ireland by the probate or letters of administration or an official extract thereof, and in Scotland or in a British possession by the will or by confirmation, or letters of administration, or such copy of the will, confirmation, or letters of administration, or such other docu-

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ment as by the law of Scotland or of such possession is receivable in the courts of judicature thereof as proof of the title of the person entitled by bequest or on intestacy. The registrar, on receipt of the declaration of transmission so accompanied, shall enter the name of the claimant entitled under the transmission in the register book as owner of the ship or share the property in which has been transmitted; and if there are more claimants than one, they shall, however numerous, be considered as one person only as regards the provisions of this Act relating to the number of persons entitled to be registered as owners.

On transmission to unqualified person.

30. Where any property in a registered ship or share therein is transmitted on death or marriage to a person not qualified to own a British ship, the following provisions shall have effect:—

Order for sale. 17 & 18 Vict. c. 104. ss. 62–64.

(1.) The court herein-after mentioned, on application by or on behalf of such unqualified person, may, if the court think fit, order a sale of the property so transmitted, and direct the proceeds thereof, after deducting the expenses thereof, to be paid to the person entitled by transmission or otherwise, as the court think just, and the court may require any evidence in support of the application they think requisite, and may make the order on any terms they think just, or may refuse any such order, and generally may act in the premises as the case requires:

(2.) Every such order for sale shall contain a declaration vesting in some person named by the court the right to transfer the ship or share to be sold, and such nominee shall thereupon be entitled to transfer the ship or share in the same manner and to the same extent as if he was the registered owner thereof; and every registrar shall obey the requisition of such nominee in respect of any transfer as he would be obliged to obey the requisition of a registered owner:

(3.) Every such application for sale shall be made within four weeks after the transmission, or within such further time (not in any case exceeding in the whole one year from the transmission) as the court allow:

(4.) If no such application for an order for sale is made within the time aforesaid, or if the court refuse an order for sale, the ship or share transmitted shall thereupon be forfeited to the Crown.

Court for proceedings for sale 17 & 18 Vict. c. 104. ss. 62–4.

31. Proceedings for the sale of a ship or share transmitted to an unqualified person shall be taken in the court which has jurisdiction in the place where the port of registry of the ship is situate.

Applications for such sale may be made, as follows:

In England and Ireland by motion in any of Her Majesty's Superior Courts of Law or Equity, or in a Superior Court of Admiralty, or by application to a judge of any such courts sitting in chambers:

In Scotland, by summary petition to the Court of Session.

In any other part of Her Majesty's dominions by an application in a summary manner to the court having the principal civil jurisdiction there:

In any foreign port of registry by application in a summary manner to any British court having Admiralty jurisdiction there:

The application may be made in the manner above mentioned, or in such other manner as the courts may respectively direct.

Power of court to prohibit transfer. 17 & 18 Vict. c. 104. s. 65.

32. Any of the said courts may, if the court think fit (without prejudice to the exercise of any other power of the court), on the application of any interested person, made as aforesaid otherwise, and either ex parte or on service of notice on any person as the court may direct, make an order prohibiting for a time specified any dealing with any registered ship or share therein, and the court may make the order on any terms they think just, or may refuse any such order, or may discharge any such order when made, with or without costs, and generally may act in the premises as the justice of the case requires; and every registrar, without being made a party to the proceeding, shall on being served with the order or an official copy thereof obey the same.

Mortgages.

Mortgage of a ship or share. 17 & 18 Vict. c. 104. ss. 66., 67.

33. A registered ship or a share therein may be made a security for a loan or other valuable consideration, and on the production of the instrument creating such security (in this Act called a mortgage) the registrar of the ship's port of registry shall record it in the register book.

Mortgages shall be recorded by the registrar in the order in which they are produced to him for that purpose, and the registrar shall by memorandum under his hand notify on each mortgage that it has been recorded by him, stating the day and hour of such record.

Entry of discharge of mortgage. 17 & 18 Vict. c. 104. s. 68.

34. Where a registered mortgage is discharged, the registrar shall, on the production of the mortgage deed, with a receipt for the mortgage money endorsed thereon, signed and attested, make an entry in the register book to the effect that the mort-

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gage has been discharged, and on such entry being made the interest (if any) which passed to the mortgagee shall vest in the person in whom (regard being had to intervening acts and circumstances if any) it would have vested if the mortgage had not been made.

Priority of mortgages. 17 & 18 Vict. c. 104. s. 69.

35. If there are more mortgages than one of the same ship or share registered the mortgagees shall, notwithstanding any express, implied, or constructive notice, be entitled in priority, one before the other, according to the dates at which the mortgages are recorded in the register book, and not according to the dates of the mortgages.

Mortgagee not to be owner. 17 & 18 Vict. c. 104. s. 70.

36. Except as far as may be necessary for making a mortgaged ship or share available as a security for the mortgage debt, the mortgagee shall not be deemed the owner of the ship or share, or the mortgagor be deemed to have ceased to be owner thereof by reason of the mortgage.

Mortgagee to have power of sale. 17 & 18 Vict. c. 104. s. 71.

37. Every registered mortgagee shall have power absolutely to dispose of the ship or share in respect of which he is registered, and to give effectual receipts for the purchase money; but where there are more persons than one registered as mortgagees of the same ship or share, a subsequent mortgagee shall not, except under the order of a court of competent jurisdiction, sell the ship or share, without the concurrence of every prior mortgagee.

Mortgage not affected by bankruptcy. 17 & 18 Vict. c. 104. s. 72.

38. A registered mortgage of a ship or share shall not be affected by any act of bankruptcy committed by the mortgagor after the date of the record of the mortgage, notwithstanding that the mortgagor at the time of his becoming bankrupt had the ship or share in his possession, order, or disposition, or was reputed owner thereof, and the mortgage shall be preferred to any right, claim, or interest of the assignees of the bankrupt in or to the ship or share.

Transfer of mortgages. 17 & 18 Vict. c. 104. s. 73.

39. A registered mortgage of a ship or share may be transferred to any person, and on the production of the instrument effecting such transfer the registrar shall enter in the register book the name of the transferee as mortgagee of the ship or share, and shall by memorandum under his hand record on the instrument of transfer that it has been recorded by him, stating the day and hour of such record.

Transmission of interest in

40. Where the interest of a mortgagee in a ship or share is transmitted on death, bankruptcy, or insolvency, or on the marriage

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of a female mortgagee, or otherwise than by a transfer according to this Act, the following provisions shall have effect:—

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(1.) The transmission shall be authenticated by a declaration of the person to whom the interest is transmitted, describing the transmission, and be accompanied by the like evidence as is by this Act required in case of a corresponding transmission of the ownership of a ship or share:

mortgage by death, bankruptcy, or marriage. 17 & 18 Vict. c. 104. ss. 74, 75.

(2.) The registrar on the receipt of the declaration, and the production of the evidence aforesaid, shall enter the name of the person entitled under the transmission in the register book as mortgagee of the ship or share.

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41. Any registered owner, if desirous of disposing by way of mortgage or sale of the ship or share in respect of which he is registered at any place out of the country in which the port of registry of such ship is situate, may apply to the registrar, who shall thereupon enable him to do so by granting such certificates as are herein-after mentioned, to be called respectively certificates of mortgage or certificates of sale, according as they purport to give a power to mortgage or a power to sell.

Powers of mortgage and sale may be conferred by certificate. 17 & 18 Vict. c. 104. s. 76.

42. Previously to any certificate of mortgage or sale being granted, the applicant shall state to the registrar, to be by him entered in the register book, the following particulars; (that is to say,)

Requisites for certificates of mortgage and sale. 17 & 18 Vict c. 104. s. 77.

(1.) The names of the persons by whom the power mentioned in such certificate is to be exercised, and in the case of a mortgage the maximum amount of charge to be created, if it is intended to fix any such maximum, and in the case of a sale the minimum price at which a sale is to be made if it is intended to fix any such minimum:

(2.) The specific place or places where such power is to be exercised, or if no place be specified, then that it may be exercised anywhere, subject to the provisions herein-after contained:

(3.) The limit of time within which such power may be exercised.

43. No certificate of mortgage or sale shall be granted so as to authorize any mortgage or sale to be made—

Restrictions on certificates of mortgage and sale. 17 & 18 Vict. c. 104. s. 78.

If the port of registry of the ship be situate in the United Kingdom at any place within the United Kingdom; or

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If the port of registry is situate within a British possession, at any place within the same British possession; or

If the port of registry is a foreign port of registry, at any place in the foreign state in which such port is situate; or

by any person not named in the certificate.

Forms of certificates of mortgage and sale. 17 & 18 Vict. c. 104. s. 79.

44. Certificates of mortgage and sale shall contain a statement of the several particulars herein-before directed to be entered in the register book on the application for such certificate, and in addition thereto an enumeration of any registered mortgages or certificates of mortgage or sale affecting the ships or shares in respect of which such certificates are given.

Rules as to certificates of mortgage. 17 & 18 Vict. c. 104. s. 80.

45. The following rules shall be observed as to certificates of mortgage; (that is to say,)

(1.) The power shall be exercised in conformity with the directions contained in the certificate:

(2.) A record of every mortgage made thereunder shall be registered by an endorsement on the certificate by a registrar or British consular officer:

(3.) No mortgage bonâ fide made thereunder shall be impeached by reason of the person by whom the power was given dying before the making of such mortgage:

(4.) Whenever the certificate contains a specification of the place or places at which, and a limit of time not exceeding twelve months within which, the power is to be exercised, no mortgage bonâ fide made to a mortgagee without notice shall be impeached by reason of the bankruptcy or insolvency of the person by whom the power was given:

(5.) Every mortgage which is so registered as aforesaid on the certificate shall have priority over all mortgages of the same ship or share created subsequently to the date of the entry of the certificate in the register book; and if there be more mortgages than one so registered the respective mortgagees claiming thereunder shall, notwithstanding any express, implied, or constructive notice, be entitled one before the other according to the date at which a record of each instrument is indorsed on the certificate, and not according to the date of the instrument creating the mortgage:

(6.) Subject to the foregoing rules, every mortgagee whose mortgage is registered on the certificate shall have the same rights and powers and be subject to the same liabilities as

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he would have had and been subject to if his mortgage had been registered in the register book instead of on the certificate:

(7.) The discharge of any mortgage so registered on the certificate may be indorsed on the certificate by any registrar or British consular officer, upon the production of such evidence as is by this Act required to be produced to the registrar on the entry of the discharge of a mortgage in the register book; and upon such indorsement being made, the interest, if any, which passed to the mortgagee shall vest in the same person or persons in whom the same would (having regard to intervening acts and circumstances, if any,) have vested if no such mortgage had been made:

(8.) Upon the delivery of any certificate of mortgage to the registrar by whom it was granted he shall, after recording in the register book, in such manner as to preserve its priority, any unsatisfied mortgage registered thereon, cancel such certificate, and enter the fact of such cancellation in the register book; and every certificate so cancelled shall be void to all intents.

Rules as to certificates of sale. 17 & 18 Vict. c. 104. s. 81.

46. The following rules shall be observed as to certificates of sale; (that is to say,)

(1.) A certificate shall not be granted except for the sale of an entire ship:

(2.) The power shall be exercised in conformity with the directions contained in the certificate:

(3.) No sale bonâ fide made to a purchaser for valuable consideration shall be impeached by reason of the person by whom the power was given dying before the making of such sale:

(4.) Whenever the certificate contains a specification of the place or places at which, and a limit of time not exceeding twelve months within which, the power is to be exercised, no sale bonâ fide made to a purchaser for valuable consideration without notice shall be impeached by reason of the bankruptcy or insolvency of the person by whom the power was given:

(5.) Any transfer made to a person qualified to be the owner of British ships shall be by bill of sale in the form hereinbefore mentioned, or as near thereto as circumstances permit:

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(6.) If the ship is sold to a person qualified to hold British ships, the ship shall be registered anew; but notice of all unsatisfied mortgages and existing certificates of mortgage registered on or enumerated in the certificate of sale shall be entered in the register book:

(7.) Previously to such registry anew there shall be produced to the registrar required to make the same the bill of sale by which the ship is transferred, the certificate of sale, and the certificate of registry of such ship:

(8.) Such last-mentioned registrar shall retain the certificates of sale and registry, and after having indorsed on both of such instruments an entry of the fact of a sale having taken place, shall forward the said certificates to the registrar of the port appearing on such certificates to be the former port of registry of the ship, and such last-mentioned registrar shall thereupon make a memorandum of the sale in his register book, and the registry of the ship in such book shall be considered as closed, except so far as relates to any unsatisfied mortgages or existing certificates of mortgage entered therein:

(9.) On such registry anew the description of the ship contained in her original certificate of registry may be transferred to the new register book, without her being re-surveyed, and the declaration to be made by the purchaser shall be the same as would be required to be made by an ordinary transferee:

(10.) If the ship is sold to a person not qualified to be the owner of a British ship, the bill of sale by which the ship is transferred, the certificate of sale, and the certificate of registry shall be produced to some registrar or British consular officer, who shall retain the certificates of sale and registry, and, having endorsed thereon the fact of such ship having been sold to a person not qualified to be the owner of British ships, shall forward such certificates to the registrar of the port appearing on the certificate of registry to be the port of registry of such ship; and such last-mentioned registrar shall thereupon make a memorandum of the sale in his register book, and the registry of the ship in such book shall be considered as closed, except so far as relates to any unsatisfied mortgages or existing certificates of mortgage entered therein:

(11.) If upon a sale being made to any unqualified person default is made in the production of such certificates as are men-

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tioned in the last rule, such unqualified person shall be considered by British law as having acquired no title to or interest in the ship; and further, the person upon whose application such certificate was granted, and the persons exercising the power, shall each incur a penalty not exceeding one hundred pounds:

(12.) If no sale is made in conformity with the certificate of sale, such certificate shall be delivered to the registrar by whom the same was granted; and such registrar shall thereupon cancel it and enter the fact of such cancellation in the register book; and every certificate so cancelled shall be void to all intents.

Power of Commissioners of Customs in case of loss of certificate of mortgage or sale. 17 & 18 Vict. c. 104. s. 82.

47. Upon proof at any time to the satisfaction of the Commissioners of Customs that any certificate of mortgage or sale is lost or so obliterated as to be useless, and that the powers thereby given have never been exercised, or if they have been exercised, then upon proof of the several matters and things that have been done thereunder, it shall be lawful for the registrar, with the sanction of the said Commissioners, as circumstances may require, either to issue a new certificate, or to direct such entries to be made in the register book, or such other matter or thing to be done as might have been made or done if no such loss or obliteration had taken place.

Revocation of certificates of mortgage and sale. 17 & 18 Vict. c. 104. s. 83.

48. The registered owner for the time being of any ship or share in respect of which a certificate of mortgage or sale has been granted, specifying the place or places where the power thereby given is to be exercised, may, by an instrument under his hand, authorize the registrar by whom such certificate was granted to give notice to the registrar or British consular officer, at every such place that such certificate is revoked; and notice shall be given accordingly; and every registrar and British consular officer receiving such notice shall record the same, and shall exhibit the same to all persons who may apply to them for the purpose of effecting or obtaining a mortgage or transfer under the said certificate of mortgage or sale; and after such notice has been so recorded the said certificate shall, so far as concerns any mortgage or sale to be thereafter made at such place, be deemed to be revoked and of no effect; and every registrar or British consular officer recording any such notice shall thereupon state to the registrar by whom the certificate was granted whether any previous exercise of the power to which such certificate refers has taken place.

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Registry anew, and Transfer of Registry.

Registry anew, and Transfer of Registry.

Alteration in ship to be registered.
17 & 18 Vict. c. 104. s. 84.

49. Whenever any registered ship is so altered as not to correspond with the particulars relating to her tonnage or description contained in the register book, then the registrar shall, on application made to him, and on the receipt of a certificate from the proper surveyor specifying the nature of such alteration, either retain the old certificate of registry and grant a new certificate of registry containing a description of the ship as altered, or indorse on the existing certificate and sign a memorandum of such alteration.

The registrar shall be the registrar of the port where the alteration is made, or if there is no registrar there, the registrar of the first port having a registrar at which the ship arrives after her alteration.

The registrar of the port of registry of the ship shall enter in his register book the particulars of the alteration so made, and the fact of such new certificate having been granted or indorsement having been made on the existing certificate; and for that purpose the registrar to whom the application is made, if he is not the registrar of the port of registry, shall forthwith report such particulars and facts as aforesaid, accompanied by the old certificate of registry in cases where a new one has been granted, to the last-mentioned registrar.

On alteration registry anew may be required.
17 & 18 Vict. c. 104. s. 85.

50. The registrar to whom application is made in respect of any such alteration as aforesaid may, if he think fit, instead of registering such alteration, require such ship to be registered anew in manner herein-before directed on the first registry of a ship; but if he is not the registrar of the port of registry he shall grant a provisional certificate or make a provisional indorsement of the alteration made in manner herein-before directed in cases where no registry anew is required, taking care to add to such certificate or indorsement a statement that the same is made provisionally, and to insert in his report to the registrar of the port of registry of the ship a like statement.

Grant of provisional certificate in respect of alteration.
17 & 18 Vict. c. 104. s. 86.

51. Every such provisional certificate, or certificate provisionally indorsed, shall, within ten days after the first subsequent arrival of the ship at her port of discharge in the United Kingdom, if registered in the United Kingdom, or, if registered in a British possession, at her port of discharge in that British possession, or if registered at a foreign port of registry, at that port, be delivered up to the registrar of the port of registry of the ship, who shall thereupon cause such ship to be registered anew in the same manner in all respects as herein-before required on the first registry of any ship.

Rectification of Register.

Consequence of omission to register anew. 17 & 18 Vict. c. 104. s. 87.

52. On failure of such registry anew of any ship, or of registry of alteration of any ship so altered as aforesaid, such ship shall be deemed not duly registered, and shall no longer be recognized as a British ship.

On change of owners, registry anew may be granted if required. 17 & 18 Vict. c. 104. s. 88.

53. If upon any change of ownership in any ship the owner desire to have such ship registered anew, although such registry anew is not required by this Act, it shall be lawful for the registrar of the port at which such ship is already registered, on the delivery up to him of the existing certificate of registry, and on the other requisites to registry, or such of them as the registrar thinks material, being duly complied with, to make such registry anew, and grant a certificate thereof.

Registry may be transferred from port to port. 17 & 18 Vict. c. 104. s. 89.

54. The registry of any ship may be transferred from one port to another on the application of all persons appearing on the register to be interested therein as owners or mortgagees, such application to be expressed by a declaration in writing.

Manner of transfer of registry. 17 & 18 Vict. c. 104. 18 & 19 Vict. c. 91. s. 12.

55. On such application, the registrar of the port of existing registry shall transmit to the registrar of the port of intended registry notice of the application, with a copy of all particulars relating to the ship, and the names of all persons appearing on the register to be interested therein as owners or mortgagees, and the certificate of registry if delivered to him; and such last-mentioned registrar shall, on the receipt of such notice, and on the delivery up of the certificate of registry to him, or the receipt thereof from the first-mentioned registrar, enter all such particulars and names in his register book, and grant a fresh certificate of registry, and thenceforth such ship shall be considered as registered at and belonging to such last-mentioned port, and the name of such last-mentioned port shall be substituted on the stern of such ship in lieu of the name of the port previously appearing thereon.

Transfer of registry not to affect rights of owners. 17 & 18 Vict. c. 104. s. 91.

56. The transfer of the registry of any ship in manner aforesaid shall not in any way affect the rights of the several persons interested either as owners or mortgagees in such ship, but such rights shall in all respects be maintained and continue in the same manner as if no such transfer had been effected.

Rectification of Register.

Rectification of register by court.

57. Any person who feels aggrieved by reason of the register of any ship under this Act being incorrect or defective in any of the matters specified in such register, may apply for an order that the

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Rectification of Register.

register may be rectified to the same court and in the same manner as an unqualified person may under this Act apply for the sale of a ship transmitted to him.

The court may either refuse the application with or without costs, to be paid by the applicant, or it may, if satisfied of the justice of the case whether there has or has not been any default on the part of any registrar or other officer, make an order for the rectification of the register, and direct the costs of the application to be paid by such parties to it as the court may think just; and every registrar, without being made a party to the proceeding, shall, upon being served with an order or an official copy thereof, obey the same.

Proceedings for rectification.

58. The court, in any proceedings for the rectification of the register, may direct such persons to be made parties to the proceedings as the court may think fit, and may require the applicant, or any of the parties to the proceedings, to give security for the costs thereof, and may decide on any question relating to the title to the ship of any person who is a party to the proceedings, (including the power to declare any person to be trustee of the ship or any share therein for any other person) and may decide on any question which it may be necessary or expedient to decide for the rectification of the register.

The court may direct an issue to be tried, in which trial any question of law may be raised, and if the issue is directed by a Court of Common Law in England, a writ of error or appeal in manner directed by the Common Law Procedure Act, 1854, shall lie.

The court may direct the notices, summonses, process, and other matters requiring to be served in any such proceedings of the court to be served on persons out of the jurisdiction of the court, and rules and orders respecting such service, and generally respecting the rectification of the register, may from time to time be made in the same manner and by and with the advice and consent of the same persons as rules and orders may for the time being be respectively made respecting service out of the jurisdiction of other notices and matters in the said courts, and respecting similar proceedings in the said courts.

Rectification in other actions or suits.

59. If in any proceedings whatever in any of the said courts in which proceedings can under this Act be taken for the rectification of the register it appears to the court that the register requires to be rectified, the court may make an order for such rectification.

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Registry—Miscellaneous.

Terminable certificates of registry may be granted in colonies. 31 & 32 Vict. c. 129. ss. 1, 2.

60. It shall be lawful for Her Majesty from time to time, by Order in Council, to make regulations with respect to any British possession named in such order, providing that, on an application for the registry under this Act in that possession of any ship not exceeding sixty tons burden, the registrar may grant, in lieu of a certificate of registry as required by this Act, a certificate of registry to be terminable at the end of *six* months or any longer period from the granting thereof, and all certificates of registry granted under any such regulations shall be in such form and have effect subject to such conditions as the regulations prescribe.

Any ship to which a certificate is granted under any such regulations shall, while such certificate is in force, and in relation to all things done or omitted during that period, be deemed to be a registered British ship.

Power for Customs or governor in special cases to grant a pass to a ship not registered. 17 & 18 Vict. c. 104. s. 98.

61. In cases where it appears to the Commissioners of Customs, or in the case of any British possession, or of a foreign port of registry, to the governor or person who occupies the place of the Commissioner of Customs in such possession or port, that by reason of special circumstances it would be desirable that permission should be granted to any British ship to pass, without being previously registered, from one port or place in Her Majesty's dominions or some foreign port of registry, to any other port or place within Her Majesty's dominions or foreign port of registry, it shall be lawful for such commissioners, governor, or person to grant a pass accordingly,

In India any such pass may be granted in respect of any British ship, or of any ship which is owned by or by a subject of any native prince or state in subordinate alliance, or having subsidiary treaties with the Government of India, by such persons upon such terms and subject to such conditions, and upon payment of such fees as may be provided by the legislature of India.

Every such pass shall, for the time and within the limits therein mentioned, have the same effect as a certificate of registry; and the ship in respect of which it is granted shall, for the said time and within the said limits, be deemed to be a British ship registered under this Act, and to belong to the port at which the pass is granted.

Shares in shipping within the

62. Shares in ships registered under this Act shall be deemed to be included in the word "stock" as defined by the Trustee Act,

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Registry—Miscellaneous.

1850, and the provisions of such last-mentioned Act shall be applicable to such shares accordingly.

Trustee Act, 1850. 18 & 19 Vict. c. 91. s. 10.

63. The term "beneficial interest," where used in this Act, includes interests arising under contract and other equitable interests; and the intention of this Act is, that without prejudice to the provisions of this Act for preventing notice of trusts from being entered in the register book or received by the registrar, and without prejudice to the powers of disposition and of giving receipts conferred by this Act on registered owners and mortgagees, and without prejudice to the provisions of this Act relating to the exclusion of unqualified persons from the ownership of British ships, equities may be enforced against owners and mortgagees of ships in respect of their interest therein as equities may be enforced against any persons in respect of any other personal property.

Equities not excluded by this Act. 25 & 26 Vict. c. 63. s. 3.

Liabilities of owners. 17 & 18 Vict. c. 104. s. 100.

64. Where any person is beneficially interested, otherwise than by way of mortgage, in any ship or share in a ship registered in the name of some other person as owner, such person shall, as well as the registered owner, be deemed to be the owner for the purpose of all pecuniary liabilities, civil or criminal, to which the owner of a ship or share is liable under this or any other Act, or otherwise, so nevertheless that proceedings may be taken for the enforcement of any such liabilities and penalties against both or either of the aforesaid parties, with or without joining the other of them.

Forms of instruments, and instruction as to registry. See 17 & 18 Vict. c. 104. s. 96. 18 & 19 Vict. c. 91. s. 11.

65. The several instruments and documents specified in the third schedule to this Act shall be in such forms as are from time to time prescribed by the Commissioners of Customs, with the consent of the Board of Trade; and a registrar shall not be required without the special direction of the Commissioners of Customs to receive and enter in the register book any of the said instruments or documents not made in such form, or containing any particulars other than those so prescribed or otherwise required by this Act; but the said Commissioners shall, before altering such forms, give such public notice thereof as may be necessary in order to prevent inconvenience.

The Commissioners of Customs shall, with the like consent, cause the said forms as well as forms of any other instruments and documents required or authorized to be used by this Act, to be supplied to all registrars under this Act, for distribution to persons requiring to use the same, either free of charge, or at such moderate prices as they may from time to time direct.

The Commissioners of Customs may also, with the same consent, for the purposes of carrying into effect the provisions contained in

this Act, give such instructions as to the manner of making entries in the register book, as to the execution and attestation of powers of attorney, as to any evidence to be required for identifying any person, and generally as to any act or thing to be done in pursuance of this Act, as they may think fit.

Power to registrar to dispense with declarations and other evidence. 17 & 18 Vict. c. 104. s. 97.

66. Whenever, in any case in which under this Act any person is required to make a declaration on behalf of himself or of any body corporate, or any evidence is required to be produced to the registrar, it is shown to the satisfaction of the registrar that from any reasonable cause such person is unable to make the declaration, or that such evidence cannot be produced, it shall be lawful for the registrar, with the sanction of the Commissioners of Customs, and upon the production of such other evidence, and subject to such terms as they may think fit, to dispense with any such declaration or evidence.

Provision for cases of infancy or other incapacity. 17 & 18 Vict. c. 104. s. 99.

67. If any person interested in any ship, or any share therein, is by reason of infancy, lunacy, or other inability incapable of making any declaration or doing any thing required or permitted by this Act to be made or done by such incapable person in respect of registry, then the guardian or committee, if any, of such incapable person, or, if there be none, any person appointed by any court or judge possessing jurisdiction in respect of the property of incapable persons, upon the petition of any person on behalf of such incapable person, or of any other person interested in the making such declaration or doing such thing, may make such declaration, or a declaration as nearly corresponding thereto as circumstances permit, and do such thing in the name and on behalf of such incapable person; and all acts done by such substitute shall be as effectual as if done by the person for whom he is substituted.

Declarations before whom to be made. See 17 & 18 Vict. c. 104. ss. 31, 38.

68. Declarations required by this Act shall be made before a registrar or justice of the peace, or if there be no registrar or justice of the peace in any place, before a British consular officer; if it be made to appear to Her Majesty in Council, with reference to any place within Her Majesty's dominions, that such declarations may be more conveniently made before some other persons than those in this section specified, the said declarations shall be made in such place, before such persons, and in accordance with such regulations as Her Majesty may by order in Council determine.

Indemnity to registrar. 17 & 18 Vict. c. 104. s. 93.

69. No registrar shall be liable to damages or otherwise for any loss accruing to any person by reason of any act done or default made by him in his character of registrar, unless the same has happened through his neglect or wilful act.

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Return to be made by registrars to Commissioners of Customs.
17 & 18 Vict. c. 104. s. 94.

70. Every registrar in the United Kingdom shall, at the expiration of every month, and every other registrar shall without delay, or at such stated times as may be fixed by the Commissioners of Customs, transmit to the Custom House in London a full return in such form as the said Commissioners may direct of all registries, transfers, transmissions, mortgages, and other dealings with ships which have been registered by or communicated to them in their character of registrars, and of the names of the persons who have been concerned in the same, and of such other particulars as may be directed by the said commissioners, and also transmit such documents delivered to them in their capacity of registrars, as may be so directed.

Evidence of register book, certificate of registry and other documents.
17 & 18 Vict. c. 104. s. 107.
18 & 19 Vict. c. 91. s. 15.

71. A register book and a certificate of registry under this Act purporting to be signed by the registrar or other proper officer shall be primâ facie proof of all matters contained or recited in such register book or certificate.

Every such register book and certificate, and every declaration and document relative to any British ship, and in pursuance of this Act, made or delivered to any registrar or British consular officer, may be proved in any court, or before any person having by law, or by consent of parties, authority to receive evidence either by the production of the original or an examined copy thereof, or by a copy thereof purporting to be certified under the hand of the registrar or other person having the charge of the original.

The transcripts of the register of a British ship kept respectively by the chief registrar of shipping at the Custom House in London, and by the Registrar General of Seamen, shall respectively have the same effect to all intents as the original register from which they are taken, and shall be deemed for the purposes of this section to be the original.

Inspection and copies of register books.
17 & 18 Vict. c. 104. ss. 92. 107.

72. Every person, upon payment of fees to be fixed by the Commissioners of Customs not exceeding *one shilling*, upon application to the registrar at a reasonable time during the hours of official attendance of the registrar, may have access to any register book for the purpose of inspection, and shall be entitled to have a certified copy of any register book, declaration, or document, a copy which is made evidence by this Act.

Application of fees.
17 & 18 Vict. c. 104. s. 95.

73. All fees authorized to be taken under this Act shall, if taken in any part of the United Kingdom, be paid into the receipt of Her Majesty's Exchequer, as the Treasury may direct, but if taken in any other part of Her Majesty's dominions shall be disposed of in such way as the Executive Government of the British possession

in which they are taken may direct; and if taken at any foreign port of registry shall be disposed of as Her Majesty may by order in council direct.

National Character and Flag.

National Character and Flag.

National character of ship to be declared before clearance. 17 & 18 Vict. c. 104. ss. 19. 102.

74. The master of every ship, British or foreign, shall whenever required, declare to any principal officer of customs the name of the nation to which he alleges that she belongs, and the officer shall, on such declaration being made, inscribe that name on the clearance or transire.

The master of a British ship shall, whenever required by any British officer of customs or British consular officer, produce to such officer her certificate of registry or other national papers.

Any officer of customs may detain a ship until such declaration is made or certificate is produced as required by this section.

Disabilities of ship not British or not recognized as British. See 17 & 18 Vict. c. 104. ss. 18, 106.

75. Any ship which either,—

(1.) Is not a British ship as defined by this Act, or

(2.) Being a British ship as so defined, is not entitled to be recognized as a British ship,

shall not be entitled to use the British flag or assume the British national character, or to any benefit, privilege, advantage, or protection usually enjoyed by British ships.

Ships unduly registered may be struck off register. 17 & 18 Vict. c. 104. s. 102. (1.)

76. If any person obtains a British registry for any ship owned in whole or in part by persons not qualified by law to own British ships, it shall be lawful, as respects ships registered in the United Kingdom, for the Commissioners of Customs, with the consent of the Board of Trade, and as respects ships registered in any British possession for the governor of that possession, and as respects ships registered in a foreign port of registry for the officer appointed in that behalf by Order in Council, to strike such ship off the register.

Using British flag or assuming British character.

77. If any person uses the British flag on board any ship owned in whole or in part by persons not entitled by law to own British ships, and fails to show that he has used the same for some lawful purpose, he shall for each offence be liable to a penalty not exceeding fifty pounds; and the flag may be hauled down by any officer who is empowered by this Act to haul down colours improperly hoisted on board any ship or boat belonging to any British subject.

Assumption of foreign character. 17 & 18 Vict. c. 104. s. 103.

78. No master or owner of a ship belonging wholly to persons qualified to be owners of British ships, and no person on board of any such ship shall be exempt from any liabilities, civil or criminal, incurred by him under the provisions of any British law, by reason that such ship has acquired a foreign register or uses a foreign flag;

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but nothing in this section contained shall interfere with the jurisdiction of any foreign nation over such ship.

Forfeiture of Ships.

Liabilities of ships not British nor recognized as British. See 17 & 18 Vict. c. 104. ss. 18, 106.

79. In the following cases, namely,—

(1.) Where a ship, not being a British ship as defined by this Act, uses the British flag or assumes the British national character; and

(2.) Where a British ship is not entitled to be recognized as a British ship;

such ship shall, for the purpose of the liabilities, civil and criminal, of and the jurisdiction of courts over such ship, and her owner, master, and crew, and any person on board or belonging to such ship, and for the purpose of all matters relative thereto, be deemed to be a British ship.

Carrying improper colours. 17 & 18 Vict. c. 104. ss. 105 (1), and 103.

80. If the pendant usually carried by Her Majesty's ships, or any pendant in anywise resembling the same, or if any colours usually carried by Her Majesty's ships, or any colours resembling the same, is or are hoisted on board any ship or boat belonging to a British subject, or if any distinctive national colours, British or foreign, except either the red ensign usually carried by merchant ships, or the union jack with a white border, is or are hoisted on board any ship or boat belonging to any British subject, in the manner and at the place in and at which distinctive national colours are usually hoisted, without authority from the Crown or the Admiralty (proof of which authority shall lie on the party accused), the master of the ship or boat, or the owner thereof if on board the same, and every other person hoisting or joining or assisting in hoisting the same, shall for every such offence be liable to a penalty not exceeding fifty pounds.

In any such case, any commissioned officer on full pay in the military or naval service of the Crown, or any British officer of customs, or any British consular officer, may give notice to the master of the ship to haul down the colours improperly hoisted, and if such notice be not forthwith complied with he may board the ship or boat, and take away the pendant or colours hoisted in contravention of this section, and such pendant or colours shall be forfeited to the Crown.

Forfeiture of Ship.

Proceedings on forfeiture of ship. 17 & 18 Vict. c. 104. s. 103.

81. Where any ship has either wholly or as to any share therein become subject to forfeiture under this Act, the following persons, that is to say,

(1.) Any commissioned officer on full pay in the military service of the Crown, subject to instructions from the commander-in-chief;

(2.) Any commissioned officer on full pay in the naval service of the Crown, subject to instructions from the Admiralty;

(3.) Any officer of customs in the United Kingdom, subject to instructions from the Commissioners of Customs or from the Board of Trade;

(4.) Any officer of customs in any British possession, subject to instructions from the governor of such possession;

(5.) Any British consular officer, subject to instructions or orders from one of Her Majesty's Principal Secretaries of State,

may seize and detain the ship, and bring her for adjudication before any Superior Court of Admiralty in the United Kingdom and elsewhere before any British court having Admiralty jurisdiction, and the court may thereupon make such order in the case as to the court seems just; and the proceeds of the sale of such ship shall be paid into Her Majesty's Exchequer in such manner as the Treasury direct, and the Treasury may award to the officer bringing in the ship for adjudication such portion of the proceeds as they think fit; and such officer shall be entitled to receive the same or any less amount accordingly.

Protection of officers seizing and detaining. 17 & 18 Vict. c. 104. s. 104.

82. Where under this Act a ship has been seized or detained the officer seizing or detaining the same shall not be responsible either civilly or criminally to any person whomsoever in respect of the seizure or detention, notwithstanding that the ship has not been brought in for adjudication, or if so brought in is declared not liable to forfeiture, in case it is shown to the satisfaction of the judge or court before whom any trial relating to the ship or such seizure or detention is held that there were reasonable grounds for such seizure or detenion; but if no such grounds are shown the judge or court may award costs and damages to any party aggrieved, and may make such other order in the premises as to the judge or court seems just.

Registrars.

Registrars of British ships, and substitution of person in British possessions for Commissioners of Customs. See 17 & 18 Vict. c. 104. ss. 30., 31. 32 & 33 Vict. c. 11. s. 6.

83. The persons mentioned in the first schedule to this Act shall, subject to any alteration made as in this section mentioned, be registrars for the purposes of this Act and shall register British ships in accordance with this Act.

It shall be lawful for Her Majesty from time to time by Order in Council to annul, modify, or add to the first schedule to this Act, and to declare the description of persons who are to be registrars of British ships in the places specified in such order, and such persons shall in those places be registrars for the purposes of this Act, and shall register British ships in accordance with this Act.

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Forgery and false Declarations.

It shall be lawful for Her Majesty, from time to time, by the same or any other Order in Council, to declare the description of persons who are to occupy, and such persons shall occupy in all respects in the British possession or the foreign port of registry mentioned in the order, the place of the Commissioners of Customs with regard to the performance of anything relating to the registry of a ship, or any interest in a ship registered in such possession. In any British possession to which no such order is applicable, the governor of such possession shall be the person who so occupies the place of the Commissioners of Customs.

Her Majesty may make foreign port (under 6 & 7 Vict. c. 94. 28 & 29 Vict. c. 116., and 29 & 30 Vict. c. 87.), a port of registry in certain cases.

84. Where, in accordance with the Foreign Jurisdiction Acts Her Majesty exercises jurisdiction within any port or place out of Her Majesty's dominions it shall be lawful for Her Majesty (if it seem fit) from time to time, by Order in Council, to declare such port or place a port of registry, in this Act referred to as a "foreign port of registry," and by the same or any subsequent Order in Council to declare the description of persons who are to be registrars of British ships in such foreign port of registry, and to make regulations with respect to the registry of British ships thereat and to revoke or vary any order so made.

Upon such order coming into operation it shall have effect as if it were enacted in this Act, and this Act shall, subject to any exceptions and regulations contained in the order, apply in the same manner as near as may be as if the port mentioned in the order were an ordinary port of registry.

Forgery and false Declarations.

Forgery of documents. 17 & 18 Vict. c. 104. s. 101.

85. Every person who forges, or fraudulently alters, or knowingly makes any false entry in or omission from, any of the following documents, viz. :—

Any register book, builder's certificate, surveyor's certificate, declaration, bill of sale, instrument of mortgage, certificate of mortgage or sale under this Act, or any entry or endorsement required by this Act to be made in or on any of the above documents :

And any person who—

Knowingly utters or uses any such document which has been forged or fraudulently altered, or in or from which such false entry or omission has been made; or

Assists in committing or procures to be committed any of the offences mentioned in this section;

shall be guilty of felony, and be liable, at the discretion of the court before which he is convicted, to penal servitude for a term not

exceeding *seven years*, or to imprisonment for any term not exceeding *two years*, with or without hard labour, or if prosecuted and convicted before a court of summary jurisdiction, to imprisonment for a period not exceeding *six months*, with or without hard labour.

Measurement of Ship and Tonnage.

False declarations. 17 & 18 Vict. c. 104. s. 41.

86. Every person who in the case of any declaration made in the presence of or produced to a registrar under this Act, or any certificate, document, or evidence produced to such registrar, or any statement concerning the title to or ownership of, or the interest existing in any ship, or any share in any ship, commits any of the following offences; that is to say,—

(1.) Makes any declaration, representation, or statement, or gives any evidence which is false in any particular;

(2.) Utters, produces, or makes use of any such false declaration, representation, statement, or evidence, or any document containing the same;

(3.) Assists in committing, or procures to be committed, any of the offences mentioned in this section;

shall, unless he proves that he did not know of the falsity of such particular, and that he could not with reasonable diligence have obtained such knowledge, or that his intent was not fraudulent, be guilty of a misdemeanor.

17 & 18 Vict. c. 104. s. 41.

Where any person is convicted under this section in the case of a declaration touching the qualification of himself or any other person or body to own a British ship or any share therein, the ship or share in respect of which such declaration is made shall, to the extent of his interest therein and also of such other person or body, unless it is proved that he had no authority from such person or body to make the same, be forfeited to the Crown.

Measurement of Ship and Tonnage.

Gross tonnage. 17 & 18 Vict. c. 104. ss. 20–24.

87. The gross tonnage of every ship shall be deemed to be the cubical contents of the hull of the ship, and of every covered-in space on the upper deck; and in cases where cargo is carried on deck, of a certain space thereon not covered in. And the contents of such spaces shall be determined in the manner specified in the regulations contained in the second schedule to this Act, or substituted therefor as provided in this Act; such regulations or any of them, may from time to time be altered by the Commissioners of Customs, with the consent of the Board of Trade, and the regulations for the time being in force, together with the provisions of

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this Act, relating to tonnage, are in this Act referred to as the tonnage regulations of this Act.

Measurement of Ship and Tonnage.

Register tonnage. 17 & 18 Vict. c. 104. ss. 20–24.

88. The register tonnage of sailing ships shall be deemed to be the gross tonnage as above described, less the space occupied by seamen and apprentices, and appropriated to their use. The register tonnage of ships propelled by steam or other power requiring engine room shall be deemed to be the gross tonnage as above described, less the space occupied by seamen and apprentices, and appropriated to their use, and also less the space occupied by the engine room and adjoining coal bunkers. And the contents of the said crew spaces and engine spaces, and the deductions on account thereof, shall be determined in manner specified in the tonnage regulations of this Act.

Tonnage when once ascertained to be ever after deemed the tonnage. 17 & 18 Vict. c. 104. s. 26.

89. Whenever the register tonnage of any ship has been ascertained and registered in accordance with the tonnage regulations the same shall thenceforth, save as is otherwise expressly provided by this Act, be deemed to be the tonnage of such ship, and shall be repeated in every subsequent registry thereof, unless any alteration is made in the form, internal arrangement, or capacity of such ship, or unless it is discovered that the tonnage of such ship has been erroneously computed; and in either of such cases such ship shall be remeasured, and her tonnage determined and registered according to the tonnage regulations of this Act.

Ships of foreign countries adopting tonnage regulations of Act need not be remeasured. 25 & 26 Vict. c. 63. s. 60.

90. Whenever it appears to Her Majesty in Council that the tonnage regulations of this Act have been adopted by the Government of any foreign country, and are in force there, whether without modification or with such modifications only as appear to Her Majesty in Council immaterial, Her Majesty may by Order in Council direct that the ships of that country shall, and such ships shall accordingly be deemed for all purposes in Her Majesty's dominions to be of the tonnage denoted in their certificates of registry or other national papers.

Remeasurement of ships registered before Act. 17 & 18 Vict. c. 104. s. 27.

91. The tonnage regulations of this Act shall not make it necessary to alter the register tonnage of any British ship registered before the commencement of this Act, or before the regulations come into operation, but if the owner of a ship registered as by law required at the commencement of this Act, or at the date when the tonnage regulations come into operation, desires that the entry of the ship's tonnage in the register book should be according to measurement under the tonnage regulations of this Act, he may apply to the Commissioners of Customs for permission to have the ship measured again according to such tonnage regulations, and

the Commissioners of Customs may thereupon, and on payment by him of the prescribed fee not exceeding seven shillings and sixpence for each transverse section, direct the same to be measured again, and the entry in the register book shall be altered accordingly.

Penalty for carrying goods in space for which deductions allowed.

92. Where the amount of any space had been allowed to be deducted from the gross tonnage of a ship in order to estimate the register tonnage of such ship, then if any goods or stores are stowed or carried in such space, the master and owner shall each be liable to a penalty not exceeding one hundred pounds, and every such space in which goods are stowed or carried shall ever afterwards be added to and form part of the register tonnage of the ship.

Surveyors and regulations for measurement of ships. 17 & 18 Vict. c. 104. s. 29.

93. The Commissioners of Customs, from time to time, may with the approval of the Treasury, appoint such persons as they think fit to be surveyors for the purposes of this Act, and to superintend the survey and measurement of ships, and may, with the approval of the Board of Trade, make regulations respecting the performance of the duties of such surveyors.

Definition of Horse Power.

Horsepower.

94. "Horse power" shall be calculated as follows, that is to say, the square of the number of inches in the diameter of the cylinder shall be multiplied by the number of feet the piston moves per minute, and the product shall be divided by six thousand.

If there be more than one engine in any ship, the horse power of each engine shall be calculated in the same way, and the sum of the horse power of all the engines shall form the total horse power of the engines of such ship.

Stamps.

Exemption from stamp duty. 17 & 18 Vict. c. 104. s. 9.

95. The following instruments shall be exempt from stamp duty:

Instruments used in the execution of this Act.

Instruments by this Act required to be made in forms approved by the Board of Trade, if made in such forms.

Colonies.

Regulation of coasting trade by colonial legislature.

96. After the commencement of this Act the Legislature of a British possession, by any Act or ordinance, from time to time, may regulate the coasting trade of that British possession, subject in every case to the following conditions:

(1.) The Act or ordinance shall be reserved for the signification of Her Majesty's pleasure, or shall contain a suspending

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clause providing that such Act or ordinance shall not come into operation until Her Majesty's pleasure thereon has been publicly signified in the British possession in which it has been passed:

(2.) The Act or ordinance shall treat all British ships (including the ships of any British possession) in exactly the same manner as ships of the British possession in which it is made:

(3.) Where by treaty made before the commencement of this Act Her Majesty has agreed to grant to any ships of any foreign state any rights or privileges in respect of the coasting trade of any British possession, such rights and privileges shall be enjoyed by such ships for so long as Her Majesty has already agreed or may hereafter agree to grant the same, anything in the Act or ordinance to the contrary notwithstanding.

Powers of Commissioners of Customs as to colonies extended to governors, &c. 18 & 19 Vict. c. 96. s. 16.

97. The powers and authorities at the commencement of this Act vested in the Commissioners of Customs with regard to any act or thing relating to trade or navigation in any British possession shall, after the commencement of this Act, be vested in the governor of such possession, and every act required by any law to be done by or with any particular officer, or at any particular place, if done by or with any such officer, or at any place appointed or nominated by such governor, shall be deemed to have been done by or with such particular officer, or at such particular place, as the case may be, and as required by law; and all commissions, deputations, and appointments granted to any officers of customs in force at the commencement of this Act shall have the same force and effect to all intents and purposes as if the same had been granted or made in the first instance by such governor; and all bonds or other securities which have been given by or for any such officers and their respective securities for good conduct or otherwise shall remain in force, and may be enforced and put in suit at the instance of or by directions of any such governor.

SCHEDULES TO REGISTRY ACT.

FIRST SCHEDULE.

Registrars of British Ships.

Registrars of British Ships.

(1.) At any port or place in the United Kingdom, or Isle of Man, approved by the Commissioners of Customs for the registry of ships, the collector, or other principal officer of customs:

(2.) In Guernsey and Jersey, the principal officer of customs:

(3.) In Malta, Gibraltar, and Heligoland, the governor of any officer appointed by him:

(4.) At Calcutta, Madras, and Bombay, the master attendant:

(5.) At any other port or place in any British possession, approved by the governor of such possession, for the registry of ships, the collector or other principal officer of customs, or, if there is no such officer there resident, the governor of the possession in which such port or place is situate, or any officer appointed for the purpose by such governor.

SECOND SCHEDULE.

Tonnage Regulations.

Rules for Measurement of Tonnage.

Rules for Measurement of Tonnage.

N.B. Throughout the following rules the tonnage deck shall be taken to be the upper deck in ships which have less than three decks, and to be the second deck from below in all other ships; and in carrying such rules into effect all measurements shall be taken in feet and fractions of feet shall be expressed in decimals.

Tonnage deck: feet: decimals.

Rule I.

1. The gross tonnage of every ship to be registered, with the exceptions mentioned in Rule II., shall previously to her being registered be ascertained by the following rule, herein-after called Rule I.; and the gross tonnage of every ship to which Rule I. can be applied, whether she is about to be measured or not, shall be ascertained by such rule:

For ships to be registered and other ships of which the hold is clear.

(1.) Measure the length of the ship in a straight line along the upper side of the tonnage deck from the inside of the inner plank (average thickness) at the side of the stem to the inside of the midship stern timber or plank there, as the case may be, (average thickness,) deducting from this length what is due to the rake of the bow in the thickness of the deck, and what is due to the rake of the stern

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Rules for Measurement of Tonnage.

timber in the thickness of the deck, and also what is due to the rake of the stern timber in one third of the round of the beam; divide the length so taken into the number of equal parts required by the following table, according to the class in such table to which the ship belongs:

Table.

Class 1. Ships of which the tonnage deck is according to the above measurement 50 feet long or under, into 4 equal parts:

„ 2. Ships of which the tonnage deck is according to the above measurement above 50 feet long and not exceeding 120, into 6 equal parts:

„ 3. Ships of which the tonnage deck is according to the above measurement above 120 feet long and not exceeding 180, into 8 equal parts:

„ 4. Ships of which the tonage deck is according to the above measurement above 180 feet long and not exceeding 225, into 10 equal parts:

„ 5. Ships of which the tonnage deck is according to the above measurement above 225 feet long, into 12 parts:

(2.) Then the hold being sufficiently cleared to admit of the required depths and breadths being properly taken, find the transverse area of such ship at each point of division of the length as follows:—Measure the depth at each point of division, from a point at a distance of one third of the round of the beam below such deck, or, in case of a break, below a line stretched in continuation thereof, to the upper side of the floor timber at the inside of the limber strake, after deducting the average thickness of the ceiling which is between the bilge planks and limber strake; then if the depth at the midship division of the length do not exceed sixteen feet, divide each depth into four equal parts; then measure the inside horizontal breadth at each of the three points of division, and also at the upper and lower points of the depth, extending each measurement to the average thickness of that part of the ceiling which is between the points of measurement; number these breadths from about (*i.e.* numbering the upper breadth one, and so on down to the lowest breadth); multiply the second and fourth by four, and the third by two; add these products together, and to the sum add the first breadth and the fifth; multiply the quantity thus obtained by one third of the common interval between the breadths, and the product shall be deemed the transverse area; but if the midship depth exceed sixteen feet, divide each depth into six equal parts instead of four, and measure as before directed the horizontal breadths at the five points of division, and also at the upper and lower points of the depth; number them from above as before; multiply the second, fourth, and sixth by four, and the third and fifth by two; add these products together, and to the sum add the first breadths and the seventh; multiply the quantity thus obtained by one third of the common interval between the breadths, and the product shall be deemed the transverse area.

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Rules for Measurement of Tonnage.

Computation from areas.

(3.) Having thus ascertained the transverse area at each point of division of the length of the ship as required by the above table, proceed to ascertain the register tonnage of the ship in the following manner:—Number the areas respectively 1, 2, 3, *&c.*, No. 1 being at the extreme limit of the length at the bow, and the last No. at the extreme limit at the length at the stern; then, whether the length be divided according to the table into four or twelve parts as in classes 1 and 5, or any intermediate number as in classes 2, 3, and 4, multiply the second and every even numbered area by four, and the third and every odd numbered area (except the first and last) by two; add these products together, and to the sum add the first and last if they yield anything; multiply the quantity thus obtained by one third of the common interval between the areas, and the product will be the cubical contents of the space under the tonnage deck; divide this product by one hundred, and the quotient shall be deemed to be the gross tonnage under the tonnage deck.

In case of two or more decks.

(4.) If the ship has a deck above the tonnage deck, the tonnage of the space between it and the tonnage deck shall be ascertained as follows:—measure in feet the inside length of the space at the middle of its height from the plank at the side of the stem to the lining on the timbers at the stern, and divide the length into the same number of equal parts into which the length of the tonnage deck is divided as above directed; measure (also at the middle of its height) the inside breadth of the space at each of the points of division, also the breadth of the stem and the breadth at the stern; number them successively 1, 2, 3, &c., commencing at the stem; multiply the second and all the other even numbered breadths by four, and the third and all the other odd numbered breadths (except the first and last) by two; to the sum of these products add the first and last breadths; multiply the whole sum by one third of the common interval between the breadths, and the result will give in superficial feet the mean horizontal area of such space; measure the mean height of such space, and multiply by it the mean horizontal area, and the product will be the cubical contents of the space; divide this product by one hundred, and the quotient shall be deemed to be the gross tonnage of such space.

(5.) If the ship has more than three decks, the tonnage of each space between decks above the tonnage deck shall be severally ascertained in manner above described.

Poop, deck house, forecastle, and any other closed-in space.

(6.) If there be a poop, deck house, forecastle, or any other permanent closed-in space on the upper deck, available for cargo or stores, or for the berthing or accommodation of passengers or the master or crew, the tonnage of such space shall be ascertained as follows:—measure the internal mean length of such space in feet, and divide it into two equal parts; measure at the middle of its height three inside breadths, namely, one at each end and the other at the middle of the length; then to the sum of the end breadths add four times the middle breadth, and

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Rules for Measurement of Tonnage.

multiply the whole sum by one third of the common interval between the breadths, the product will give the mean horizontal area of such space; then measure the mean height, and multiply by it the mean horizontal area; divide the product by one hundred, and the quotient shall be deemed to be the gross tonnage of such space.

(7.) In order to ascertain the gross tonnage add together—

(*a.*) The gross tonnage under the tonnage deck ascertained in accordance with paragraph three of this rule:

(*b.*) The gross tonnage of the spaces between the tonnage deck and the decks (if any), above the tonnage deck, ascertained in accordance with paragraphs four and five of this rule:

(*c.*) The gross tonnage of the poop, deck, forecastle, and any other permanent closed-in space on the upper deck (if any), ascertained in accordance with paragraph six of this rule.

And the total shall be deemed to be the gross tonnage of the ship, subject in the cases named in Rule V. to the addition of the tonnage of space appropriated to deck cargoes.

RULE II.

For ships not requiring registry with cargo on board.

2. Ships which, requiring to be measured for any purpose other than registry, have cargo on board, and ships which, requiring to be measured for the purpose of registry, cannot be measured by the rule above given, shall be measured by the following rule, herein-after called rule II.:

Length.

Breadth.

Girting of the ship.

(1.) Measure the length on the upper deck from the outside of the outer plank at the stem to the aftside of the stern post, deducting therefrom the distance between the aftside of the stern post and the rabbet of the stern post at the point where the counter plank crosses it; measure also the greatest breadth of the ship to the outside of the outer planking or wales, and then, having first marked on the outside of the ship on both sides thereof the height of the upper deck at the ship's sides, girt the ship at the greatest breadth in a direction perpendicular to the keel from the height so marked on the outside of the ship on the one side to the height so marked on the other side by passing a chain under the keel; to half the girth thus taken add half the main breadth; square the sum; multiply the result by the length of ship taken as aforesaid; then multiply this product by the factor ·0017 (seventeen ten-thousandths) in the case of ships built of wood, and ·0018 (eighteen ten-thousandths) in the case of ships built of iron, and the product shall be deemed the register tonnage of the ship, subject to the deduction of the space occupied by seamen or apprentices and appropriated to their use:

Poop, deck house, forecastle, and other closed-in spaces on upper deck.

(2.) If there be a poop, deck house, forecastle, or other closed-in space on the upper deck the tonnage of such space shall be ascertained by multiplying together the mean length, breadth, and depth of such space, and dividing the product by 100, and the quotient so obtained shall be deemed to be the tonnage of such space, and shall, subject to the deduction for a closed-in space appropriated to the crew as mentioned in rule I., be added to the tonnage of the ship ascertained as aforesaid.

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The allowance to be made on account of space occupied in any ship by seamen and apprentices, and entirely and exclusively appropriated to their use, shall be ascertained as follows; (that is to say,)

Rule III.

Allowance for crew spaces in all ships.

3. Measure the internal cubic capacity of all spaces occupied by seamen or apprentices, and entirely and exclusively appropriated to their use, and divide the sum of such cubic contents expressed in feet and fractions of feet by 100, and the quotient shall be deemed to be the tonnage to be deducted from the gross tonnage on account of crew spaces. Subject to the following provisoes; vizt., (1) that no deduction shall be made for any crew space under these regulations, unless and until a surveyor appointed by the Board of Trade has certified that the regulations respecting crew spaces for the time being in force under the Merchant Shipping Law Masters and Seamen Act, 1870, are complied with; and (2) that if the allowance for crew spaces ascertained under this rule exceeds one twentieth of the gross tonnage of the ship, as ascertained by rule I. above, the allowance for such space shall be deemed to be only one twentieth of such gross tonnage.

Rule IV.

Allowance for engine room in steamers.

4. The allowance to be made for the space occupied by engine room shall be estimated as follows; (that is to say,)

The allowance shall consist of the tonnage of the space actually occupied by or required to be enclosed for the proper working of the machinery and boilers, and of all permanently constructed and properly enclosed coal bunkers from which the coals can be trimmed direct into the machinery space: Provided always, that the allowance made for the propelling power shall in no case exceed one half of the gross tonnage of the ship. The measurement and use of such space shall be governed by the following rules; (that is to say,)

(1.) Measure the mean length of the engine room, inclusive of coal bunkers, as above described; then measure three transverse areas to the height of the engine room deck or first deck above the machinery, one at each end of the length and the other at the middle point between them, in the same manner as herein-before described for ascertaining the areas for the tonnage of the ship; to the sum of the two end areas add four times the middle area; multiply the whole sum by one third of the common interval between the areas, and the product will be the cubical contents of the space. Divide this product by one hundred, and the quotient shall be deemed to be the tonnage of the said space:

(2.) If the aforesaid deck is not the upper deck of the ship, the tonnage of the space or spaces between decks framed in for inclosing the machinery or for the admission of light and air, found by multiplying together the mean length, breadth, and depth thereof, shall be added to the tonnage of the space already computed, as shall also the tonnage of coal bunkers built as above described:

In case of separate compartments.

(3.) If in any ship the machinery boilers or such coal bunkers as aforesaid be fitted in separate compartments, the contents of the space occupied by them in each compartment shall be measured severally in like manner, according to the above rules, and the sum of their several results shall be deemed to be the tonnage of the said space:

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Rules for Measurement of Tonnage.

(4.) In the case of screw steamers, the contents of the shaft trunk shall be added to and deemed to form part of such space, and shall be ascertained by multiplying together the mean length, breadth, and depth of the trunk, and dividing the product by one hundred.

Shaft trunk of screw steamer.

(5.) If any alteration be made in the length or capacity of such space, or if any berths or cabins be fitted in such space, such ship shall be deemed to be a ship not registered until re-measurement.

Alteration of engine room.

Rule V.

Spaces on deck on which cargo is carried.

5. Any shipowner may state to a registrar of shipping, either on application for registry or re-registry, or at any other time, that it is his intention, as regards the ship in respect of which he makes application, that cargo shall be carried on the whole of the upper deck, or on such parts of the upper deck, if any, as he may name in his application, not being the floor of a poop, deck house, forecastle, or other closed-in space included in the measurement for gross tonnage under Rule I., and thereupon the space or spaces on the upper deck in respect of which application is made shall be measured, and added to the register tonnage of the ship, as follows; vizt.,—

(1.) In respect of so much of such space as is covered by a hurricane deck, or awning deck, or platform, the cubic contents in feet of the space between the deck and the hurricane deck, awning deck, or platform shall be divided by one hundred, and the quotient added to the tonnage of the vessel:

(2.) In respect of so much of such space as is not covered by any hurricane deck, awning deck, or platform, such addition shall be made to the register tonnage of the ship as the Board of Trade and Commissioners of Customs may in any special case or by general rules determine.

If upon any part of an upper deck in respect of which no application has been made under this rule cargo is carried or passengers are berthed, all dues payable according to tonnage shall in respect of the voyage during which, or during any part of which, cargo is so carried or passengers are so berthed, be increased by adding to the register tonnage the whole of the space upon the upper deck which could, under any circumstances, be measured for tonnage under this regulation.

Provided always, that spaces covered in solely for the shelter of deck passengers, and appropriated to their use, and approved by the Board of Trade, shall be exempt from tonnage measurement, notwithstanding anything contained in this Act or any other Act to the contrary.

Rule VI.

Open ships how measured.

6. In ascertaining the tonnage of open ships the upper edge of the upper strake is to form the boundary line of measurement, and the depths shall be taken from an athwartship line extended from upper edge to upper edge of the said strake at each division of the length.

Ships measured under Rule II. may be measured under Rule I.

7. The owner of any ship which is measured under Rule II. of the tonnage regulations may at any subsequent period apply to the Commissioners of Customs to have the said ship remeasured under Rule I. of the same regulations; and the said commissioners may thereupon, and upon payment of such fee not exceeding seven shillings and sixpence for each transverse section as they may authorize, direct the said ship to be remeasured accordingly, and the number denoting the register tonnage shall be altered accordingly.

THIRD SCHEDULE.

Documents of which the forms are to be prescribed by the Commissioners of Customs and sanctioned by the Board of Trade.

Certificate of surveyor.
Declaration of ownership by individual owner.
Declaration of ownership on behalf of a body corporate as owner.
Certificate of registry.
Declaration of loss of certificate of registry.
Provisional certificate.
Terminable colonial certificate.
Bill of sale.
Declaration of ownership by individual transferee.
Declaration of ownership on behalf of a body corporate as transferee.
Declaration of owner taking by transmission.
Mortgage.
Transfer of mortgage to be endorsed on original mortgage.
Declaration by mortgagee taking by transmission.
Certificate of mortgage.
Certificate of sale.
Revocation of certificate of sale or mortgage.

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Certificates of Masters, Mates, and Engineers.

PART II.

Masters and Seamen Act.

Preliminary.

Short title.

98. This Act may be cited as the Merchant Shipping Code (Masters and Seamen Act), 1870.

Incorporation of certain sections of General Provisions Act.

99. There shall be incorporated with this Act the sections of the General Provisions Act, 1870, relating to Legal Procedure, Orders in Council, Inspectors, Detention of Ship, and Construction.

Certificates of Masters, Mates, and Engineers.

Certificate of competency to be granted.

100. Certificates of competency shall be granted, in accordance with the provisions of this Act, for each of the following grades; that is to say,

Master of a foreign-going ship:
First mate of a foreign-going ship:
Only mate of a foreign-going ship:
Second mate of a foreign-going ship:
Master of a coasting passenger ship:
Mate of a coasting passenger ship:
First-class engineer:
Second-class engineer.

Examinations for masters and mates.
17 & 18 Vict. c. 104. ss. 131, 132.

101. For the purpose of granting certificates of competency as masters, or mates, or engineers, to persons desirous of obtaining the same, examinations shall be held at such ports and places in the United Kingdom as the Board of Trade directs.

The Board of Trade may appoint times for such examinations, and may appoint, remove, and re-appoint examiners to conduct the same, and may from time to time lay down, cancel, and vary rules as to the conduct of such examinations and as to the qualification of the applicants.

Fees to be paid by applicants for examination.
17 & 18 Vict. c. 104. s. 133.

102. All applicants for examination shall pay such fees, not exceeding the sums specified in the first schedule to this Act, as the Board of Trade directs, and such fees shall be paid to such persons as the said board appoints for that purpose.

Certificates of Masters, Mates, and Engineers.

103. The Board of Trade shall deliver to every applicant who is duly reported by the examiners to have passed the examination satisfactorily, and to have given satisfactory evidence of his sobriety, experience, ability, and general good conduct, a certificate of competency as the case requires.

Grant of certificates on passing examination. 17 & 18 Vict. c. 104. s. 134.

104. Every certificate of competency for a foreign-going ship shall be deemed to be of a higher grade than the corresponding certificate for a coasting passenger ship, and shall entitle the lawful holder thereof to go to sea in the corresponding grade in such last-mentioned ship; but no certificate for a coasting passenger ship shall entitle the holder to go to sea as master, or mate, or engineer of a foreign-going ship.

Certificates for foreign-going ships available for coasting passenger ships. 17 & 18 Vict. c. 104. s. 137.

105. All certificates of competency shall be made in such form and subject to such regulations as the Board of Trade direct, and a record of such certificates shall be kept by such person and in such manner as the said board direct.

Grants, cancellations, &c. of certificates to be recorded. 17 & 18 Vict. c. 104. s. 138.

106. Whenever any master or mate or engineer proves to the satisfaction of the Board of Trade that he has, without fault on his part, lost or been deprived of any certificate already granted to him, the Board of Trade shall, upon payment of such fee (if any) as they direct, cause a copy of the certificate to which, by the record kept in pursuance of this Act, he appears to be entitled, to be made out and certified by the person appointed to keep the record, and to be delivered to him; and any copy which purports to be so made and certified as aforesaid shall have all the effect of the original.

In case of loss a copy to be granted. 17 & 18 Vict. c. 104. s. 139. 25 & 26 Vict. c. 63. s. 10.

107. The Board of Trade may grant, without examination, to any pilot licensed under the Merchant Shipping Law (Pilotage Act), 1870, a licence to act as master, first or only mate (as the case may be), of a coasting passenger ship within the limits within which he is qualified to act as pilot.

Board of Trade may license pilots to act as masters, &c.

Such licence shall be in such form and shall be granted for such time and upon such conditions as the Board of Trade think fit. It shall, during that time, and subject to those conditions, have, for the purposes of navigation within the said limits, the same effect as a certificate of competency of a like grade granted under this Act.

108. Where the legislature of any British possession provides for the examination of and grant of certificates of competency to persons intending to act as masters, mates, or engineers on board ships, and the Board of Trade reports to Her Majesty that they are

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32 & 33 Vict. c. 11. s. 8. 17 & 18 Vict. c. 104. s. 131. et seq. 25 & 26 Vict. c. 63. s. 5. et seq.

satisfied that the examinations are so conducted as to be equally efficient with the examinations for the same purpose in the United Kingdom under this Act, and that the certificates are granted on such principles as to show the like qualifications and competency as those granted under this Act, and are liable to be forfeited for the like reasons and in the like manner, it shall be lawful for Her Majesty from time to time by Order in Council,—

1. To declare that the said certificates shall be of the same force as if they had been granted under this Act:
2. To declare that all or any of the provisions of this Act, and of the said regulations, which relate to certificates of competency granted under this Act, shall apply to the certificates referred to in the said Order:
3. To impose such conditions and to make such regulations with respect to the said certificates, and to the use, issue, delivery, cancellation, and suspension thereof, as to Her Majesty may seem fit, and to impose penalties not exceeding fifty pounds for the breach of such conditions and regulations.

It shall be lawful for Her Majesty in Council, on a report from the Board of Trade, to revoke any order made under this section.

Officers of certain ships how to be qualified. 17 & 18 Vict. c. 104. s. 136. 25 & 26 Vict. c. 6. s. 15.

109. Every ship, not exempted as in this Act mentioned, shall, when navigating to or from any place in the United Kingdom, be provided with officers duly certificated under this Act according to the following scale:—

(1.) If she be a foreign-going ship or a coasting passenger ship of 100 register tons or upwards, with a master and a first or only mate duly certificated:

(2.) If she be a foreign-going ship or a coasting passenger ship of less than 100 register tons, with a master duly certificated:

(3.) If she be a foreign-going ship, and carry more than one mate, with the first mate and the second mate duly certificated:

(4.) If she be a foreign-going steamship, of 100-horse power or upwards, with a first and second engineer duly certificated:

(5.) If she be a foreign-going steam ship of less than 100-horse power, or a coasting passenger steam ship of whatever horse power, with her first or only engineer duly certificated.

In each of the following cases:—

(1.) If any person suffers himself to be engaged or acts as an officer, in contravention of this section:

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(2.) If any person employs, or suffers any person to serve as an officer, in contravention of this section, without using all reasonable means (proof whereof shall lie on him) to ascertain that the person so serving is duly certificated;

(3.) If any person fraudulently engages or employs, or suffers to be engaged or employed, any duly certificated officer to serve, for the purpose only of enabling any ship to clear, and not for the purpose of the whole voyage, or if any officer so fraudulently engages himself;

Then and in every such case the person so offending shall for every such offence be liable to a penalty not exceeding *fifty* pounds; and if any certificated officer is engaged as an officer on board any ship, and quits such ship before or upon the commencement of her voyage, he shall be deemed, unless the contrary is shown, to have been fraudulently engaged or employed as aforesaid.

No officer shall be deemed duly certificated, within the meaning of this section, unless he is the holder for the time being of a valid certificate of competency under this Act of a grade appropriate to his station in the ship, or of a higher grade.

Provided that nothing in this section shall apply to any ship when navigating within the limits of the inland waters of the United Kingdom.

Production of certificates of competency to superintendent of mercantile marine office. 17 & 18 Vict. c. 104. ss. 161 & 162.

110. With respect to the production of certificates of competency, the following provisions shall have effect; that is to say,

(1.) The master of every foreign-going ship, not exempted as in this Act mentioned, shall, on signing the agreement with his crew, produce to the superintendent of the mercantile marine office before whom the same is signed the certificates of competency which such master and the officers of the ship are by this Act required to hold:

(2.) In the case of running agreements for foreign-going ships, the master shall also produce such certificates to the superintendent before the second and every subsequent voyage, or otherwise satisfy the superintendent that he and the officers of his ship hold such certificates:

(3.) The master or owner of every coasting passenger ship shall produce such certificates of competency to some superintendent of a mercantile marine office within twenty-one days after the thirtieth of June and the thirty-first of December in every year:

(4.) Upon the production of such certificates of competency, the superintendent shall, if the certificates are such as the master and officers of the ship ought to hold, give to the

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Apprenticeship to the Sea Service.

master a certificate to the effect that the proper certificates of competency have been so produced:

(5.) The master shall, before proceeding to sea, produce the certificate to the collector of customs; and any officer of customs may detain the ship from proceeding to sea until such certificate is produced:

(6.) If the master of any ship fail to comply with the provisions of this section he shall for every default incur a penalty not exceeding *five* pounds.

Apprenticeship to the Sea Service.

Indentures of apprenticeship to the sea service. 17 & 18 Vict. c. 104. ss. 142 & 143.

111. All indentures of apprenticeship to the sea service shall be exempted from stamp duty.

The Board of Trade may from time to time make, revoke, and alter regulations as to the form, the registry, assignment, and cancellation of indentures of apprenticeship to the sea service, and of other matters incidental to such apprenticeships.

Any person who fails to comply with the provisions of this section, or of any such regulation, shall be liable to a penalty for each offence not exceeding *ten* pounds.

Fees to superintendents. 17 & 18 Vict. c. 104. s. 141.

112. The Board of Trade may, with the concurrence, so far as relates to pauper apprentices in England, of the Poor Law Board, and so far relates to pauper apprentices in Ireland, of the Poor Law Commissioners, from time to time prescribe fees to be taken by superintendents of mercantile marine offices in respect of business performed by them in relation to apprenticeships to the sea service.

Rules for apprenticeships of paupers in Great Britain and Ireland. 17 & 18 Vict. c. 104. ss. 142 & 144.

113. All apprenticeships to the sea service made by any guardians or overseers of the poor, or persons having the authority of guardians of the poor,—

If made in Great Britain, shall be made in the same manner and be subject to the same laws and regulations as other apprenticeships made by the same persons; subject, nevertheless, to the exemption from stamp duty, and the following provisions; namely, the indentures shall be executed by the boy and the person to whom he is bound in the presence of and shall be attested by two justices, who shall ascertain that the boy has consented to be bound, and has attained the age of twelve years, and is of sufficient health and strength, and that the master to whom the boy is bound is a proper person for the purpose;

and, if made in Ireland, shall be made in the manner prescribed by, and be subject to, the following regulations:

1. In every union the guardians of the poor, or other persons duly appointed to carry into execution the Acts for the relief

Licences to supply Seamen.

of the poor, and having the authority of guardians of the poor, may put out and bind as apprentice to the sea service any boy who or whose parent is receiving relief in the union, and who has attained the age of twelve years, and is of sufficient health and strength, and consents to be bound:

2. If in any such case the cost of relieving the boy is chargeable to an electoral division of a union, then (except where paid officers act in place of guardians) he shall not be so bound unless the consent in writing of the guardians of the electoral division, or of a majority of them, if more than one, is first obtained, such consent to be, when possible, indorsed on the indenture:

3. The expenses incurred in the binding and outfit of any such apprentice shall be charged to the union or electoral division, as the case may be, to which the boy, his parent or parents, is or are chargeable at the time of his being apprenticed:

4. All indentures made in a union may be sued on by the guardians of the union, or the persons having the authority of guardians therein for the time being, by their name of office; and actions brought by them on such indentures shall not abate by reason of any death or change in the persons holding the office of guardians, but no such action shall be commenced without the consent of the Irish Poor Law Commissioners:

5. The amount of the costs incurred in any such action, and not recovered from the defendant therein, may be paid and charged as the expenses incurred in binding out such apprentice.

Apprentices and indentures to be brought before superintendent before voyage in foreign-going ship. 17 & 18 Vict. c. 104. s. 145. 25 & 26 Vict. c. 25. s. 13.

114. The master of every foreign-going ship shall, before carrying any apprentice to sea from any place in the United Kingdom, cause the apprentice to appear before the superintendent of the mercantile marine office before whom the crew is engaged, and shall produce to him the indenture by which such apprentice is bound, and the assignments thereof, if any; and the name of such apprentice, with the date of the indenture and of the assignments thereof, if any, and the names of the ports at which the same have been registered, shall be entered on the agreement with the crew; and if the master fail to comply in any respect with this section he shall for every such offence be liable to a penalty not exceeding *five* pounds.

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Licence of persons to procure seamen.

115. The Board of Trade may from time to time authorize any superintendent of a mercantile marine office to employ persons duly licensed in that behalf by the Board of Trade, to supply seamen or

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17 & 18 Vict. c. 104. ss. 146 & 147. 25 & 26 Vict. c. 63. s. 13.

apprentices for merchant ships in the United Kingdom. Any such authority or licence may be granted and revoked on such terms and conditions as the Board of Trade think proper.

(1.) If any unauthorized person, that is to say, any person not so licensed, or not being the owner or master or mate of the ship, or a servant in constant employment of the owner, or a superintendent of a mercantile marine office, engages or supplies any seaman or apprentice to be entered on board any ship, or offers by advertisement or otherwise to procure employment as a seaman or apprentice on any ship; or

(2.) If any person employs any such unauthorized person for the purpose of engaging or supplying any seaman or apprentice for any ship;

Every such person shall, for each seaman or apprentice so engaged or supplied, be liable to a penalty not exceeding *twenty* pounds.

If any person receives or accepts to be entered on board any ship any seaman or apprentice who has been engaged or supplied in contravention of the provisions of this section, he shall for every seaman or apprentice so engaged or supplied be liable to a penalty not exceeding *twenty* pounds, unless he shows to the satisfaction of the court before which he is charged that he did not know that such seaman or apprentice had been engaged or supplied in contravention as aforesaid, and that he could not with reasonable diligence have obtained such knowledge.

Penalty for receiving remuneration from seamen, &c. 17 & 18 Vict. c. 104. s. 148.

116. If any person demands or receives directly or indirectly from any seaman or apprentice to the sea service, or from any person seeking employment as a seaman or apprentice to the sea service, or from any person on his behalf, any remuneration whatever other than the prescribed fees for providing him with employment, he shall for every such offence be liable to a penalty not exceeding *ten* pounds.

Agreements with Seamen.

Agreements with seamen. 17 & 18 Vict. c. 104. ss. 149. & 157.

117. Every master of a foreign going ship, which is not exempted as provided by this Act, shall enter into an agreement in accordance with this Act with every seaman whom he carries to sea as one of his crew from any port in the United Kingdom; and if any master of any such ship carries any seaman to sea in contravention of this section he shall for each such offence incur a penalty not exceeding *five* pounds.

Such agreement shall, subject to the provisions contained in the second schedule to this Act, be signed by each seaman in the presence of a superintendent of a mercantile marine office.

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Agreements with Seamen.

118. Every agreement under this Act shall be in such form, executed in such manner, and at such place, and according to such regulations, and shall contain such particulars as to the voyage and crew, the service, capacity, wages, and provisions of the seamen, and the discipline of the ship, as are prescribed by the regulations in the second schedule to this Act. Running agreements extending over a period not exceeding twelve months may be made, subject to the prescribed regulations.

Form and conditions of agreement. 17 & 18 Vict. c. 104. ss. 149–151.

119. The master of any ship, or the owner of any ship, or his agent, may enter into an agreement in the United Kingdom with any seaman binding him to proceed to any port or ports out of the United Kingdom, either as a seaman or as a passenger, and there to engage himself as seaman in any ship of which the person engaging such seaman, or his principal, is master or owner. Such agreement shall, subject to the said regulations, be subject to all the provisions of this Act with respect to ordinary agreements under this Act.

Agreements in the United Kingdom to join ship abroad. 17 & 18 Vict. c. 104. s. 156.

120. The master of every foreign-going ship shall, before finally leaving the United Kingdom, sign, and send to the nearest superintendent of a mercantile marine office, a full and accurate statement, in the prescribed form, of every change which takes place in his crew before finally leaving the United Kingdom, and in default shall for each offence incur a penalty not exceeding five pounds; and such statement shall be admissible as evidence of the matters stated therein.

Changes in crew to be reported. 17 & 18 Vict. c. 104. s. 158.

121. Where the master of any ship engages a seaman in any British possession other than that in which the voyage of such ship commenced, the master shall engage such seaman before some superintendent of a mercantile marine office, or some officer discharging the duties of a superintendent of a mercantile marine office.

Engagements of seamen in the colonies. 17 & 18 Vict. c. 104. s. 159.

122. Every master of a ship who engages any seaman at any port out of Her Majesty's dominions where there is a British consular officer shall, before carrying such seaman to sea, procure the sanction of such officer, and shall engage the seaman before him or before some person authorized by him in writing for that purpose.

Engagement of seamen at foreign port. 17 & 18 Vict. c. 104. s. 160.

123. Upon any engagement of a seaman in pursuance of this Act before any officer in a British possession, or before any consular officer at a foreign port, the officer shall endorse upon the agreement an attestation to the effect that such agreement has been signed in his presence, or in the presence of a person authorized by him in that behalf, and otherwise made as required by this Act; and also in the case of

Endorsement of agreement in colonies and at foreign port. 17 & 18 Vict. c. 104. ss. 159, 160.

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Agreements with Seamen.

a foreign port, that it has the sanction required by this Act. If such attestation is not made the engagement shall, until the contrary is proved, be deemed not to have been made as required by this Act.

All the provisions of this Act respecting agreements with seamen in the United Kingdom shall apply to the engagement of seamen before any officer in a British possession or at a foreign port, with the like penalty on any master who carries any seaman to sea without entering into a proper engagement with him; but nothing in this section shall invalidate an agreement as between the master and the seamen, or deprive either party thereto of any right or remedy in respect thereof which he would have had if this section had not been inserted in this Act.

Alterations to be void unless attested to have been made with the consent of all parties. 17 & 18 Vict. c. 104. s. 163.

124. Every erasure, interlineation, or alteration in any agreement with seamen under this Act (except additions made for shipping substitutes or persons engaged subsequently to the first departure of the ship) shall be wholly inoperative, unless proved to have been made with the consent of all the persons interested in such erasure, interlineation, or alteration, by the written attestation (if made in Her Majesty's dominions) of some superintendent of a mercantile marine office, justice, officer of customs, or other public functionary, or (if made out of Her Majesty's dominions) of a British consular officer, or, where there is no such officer, of two respectable British merchants.

Seamen not to be bound to produce agreement. 17 & 18 Vict. c. 104. s. 165.

125. Any seaman may bring forward evidence to prove the contents of any agreement or otherwise to support his case, without producing or giving notice to produce the agreement or any copy thereof.

Copy of agreement to be made accessible to crew. 17 & 18 Vict. c. 104. s. 166.

126. The master of every foreign-going ship shall at the commencement of every voyage or engagement cause a legible copy of any agreement with his crew, or any of them, made in the United Kingdom, (omitting the signatures,) to be posted up in such part of the ship as to be accessible to the crew, and in default shall for each offence incur a penalty not exceeding *five* pounds.

Agreements with lascars. 18 & 19 Vict. c. 91. s. 23. 25 & 26 Vict. c. 63. s. 24. 4 G. 4. c. 80.

127. The master or owner of any ship, or his agent, may, subject to the provisions of any other Act, and to the directions contained in the third schedule to this Act, but not otherwise, enter into any agreement with lascars or natives of Her Majesty's dominions in India to serve as seamen in any ship.

The regulations contained in the said schedule may be altered with the consent of the Secretary of State in Council of India, but not otherwise.

Discharge of Seamen.

Discharge of Seamen.

128. Every seaman, on the termination of his engagement, shall be discharged, and if discharged in the United Kingdom from a foreign-going ship, not being exempted as mentioned in this Act, he shall be discharged and receive his wages in manner provided by this Act through or in the presence of a superintendent of a mercantile marine office, except some competent court otherwise directs.

Discharge before superintendent. 17 & 18 Vict. c. 104. s. 170.

Any master or owner of any ship who acts in contravention of this section shall be liable for each offence to a penalty not exceeding ten pounds, and no discharge contrary to the provisions of this Act shall operate as a discharge of any right or claim of the seaman discharged.

129. With respect to the discharge of seamen before any superintendent, the following provisions shall have effect:

Certificate of discharge to seaman, and return of certificates of competency. Master to report character. 17 & 18 Vict. c. 104. ss. 172. 176.

(1.) Every master shall give to every seaman discharged from his ship a certificate of his discharge in the prescribed form, specifying the period of his service and the time and place of his discharge:

(2.) The master shall also, upon the discharge of every certificated officer whose certificate of competency or service has been delivered to and retained by him, return such certificate:

(3.) The master shall make and sign, in the prescribed form, a report of the conduct, character, and qualifications of the persons discharged, or may state, in the said form, that he declines to give any opinion upon such particulars, or upon any of them, or that such persons, or any of them, decline to receive his report upon such particulars or any of them:

(4.) The superintendent before whom the discharge is made shall, unless the seaman objects, indorse on his certificate of discharge a copy of so much of such report as concerns him:

(5.) The certificate of discharge shall be given upon the discharge or on payment of the wages:

(6.) Upon or previously to the discharge of the crew of any foreign-going ship in the United Kingdom, the master of such ship shall deliver the agreement with his crew and the list of such crew and official log to the superintendent before whom such discharge takes place, and such superintendent shall give to the master a certificate of such delivery, and no officer of customs shall

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Allotment and Advance of Wages.

clear any foreign-going ship inwards until a certificate of such delivery is produced:

Every master who fails to comply with the provisions of this section shall be liable to a penalty not exceeding ten pounds, or in case of a failure to return a certificate of competency, not exceeding *twenty* pounds.

Inquiry into cause of death on board. 17 & 18 Vict. c. 104. s. 269.

130. Whenever any case of death happens on board any foreign-going ship, the superintendent of the mercantile marine office shall, on the arrival of such ship at the port where the crew is discharged, inquire into the cause of such death, and shall make on the list of the crew delivered to him as in this Act required an endorsement to the effect either that the statement of the cause of death therein contained is in his opinion true or otherwise, as the result of the inquiry requires; and every such superintendent shall, for the purpose of such inquiry, have the powers by this Act given to inspectors appointed by the Board of Trade; and if in the course of such inquiry it appears to him that any such death as aforesaid has been caused by violence or other improper means, he shall either report the matter to the Board of Trade, or, if the emergency of the case so requires, shall take immediate steps for bringing the offender or offenders to justice.

Allotment and Advance of Wages.

Regulations as to allotment notes. 17 & 18 Vict. c. 104. s. 168.

131. All stipulations for the allotment of any part of the wages of a seaman during his absence which are made at the time such seaman is engaged shall be inserted in the agreement for service entered into by the seaman on his engagement, and shall state the amounts and times of the payments to be made; and all allotment notes shall be in the prescribed form.

Allotment notes may be sued on summarily by certain persons and under certain conditions. 17 & 18 Vict. c. 104. s. 169.

132. Where an allotment note of part of the wages of any seaman is made in favour of any of the following persons, namely, the wife, father, mother, grandfather, or grandmother of such seaman, or any child, grandchild, brother, or sister of such seaman, such person may, unless the seaman be shown, in manner in this Act specified, to have forfeited or ceased to be entitled to the wages out of which the allotment is to be paid, sue for and recover the sums allotted by the note when and as the same are made payable, with expenses of the claimant out of pocket, and costs as between attorney and client, and interest on the sums allotted at the rate of five pounds per centum per annum, from the owner of the ship with respect to which the said engagement was made, or from any agent who has authorized the drawing of the note, in the same manner in which

wages of seamen may be recovered under this Act or otherwise; subject, in the case of the wife of such seaman, to the following proviso, that if she desert her children, or so misconduct herself as to be undeserving of support from her husband, she shall thereupon forfeit all right to further payments of any allotment of his wages which has been made in her favour.

In any such proceeding it shall be sufficient for the claimant to prove that he is the person mentioned in the note, and that the note was given by the owner or by the master or some authorized agent; and the seaman shall be presumed to be duly earning his wages, unless the contrary is shown to the satisfaction of the court, either by the official statement of the change in the crew caused by his absence, made and signed by the master, as by this Act is required, or by a duly certified copy of some entry in the official log book to the effect that he has left the ship, or by a credible letter from the master of the ship to the same effect, or by such other evidence as the court in their discretion consider sufficient to show satisfactorily that the seaman has ceased to be entitled to the wages out of which the allotment is to be paid.

Authentication of allotment note.

133. Where an allotment note purports to be signed by the master of a ship, or by the owner, or any agent of the owner, and such signature purports to be witnessed by a superintendent of a mercantile marine office, (officer of customs,) British consular officer, or other person before whom seamen may be engaged in accordance with the provisions of this Act, such note shall, in the absence of proof to the contrary, be deemed to have been given by the master or owner, or by his authorized agent.

Advance not to exceed one month's wages.

134. No advance of wages shall be made to any seaman for more than one month; and no sum advanced to any seaman beyond one month's wages shall be allowed as a deduction upon any settlement of wages.

Payment of Wages.

Master to deliver account of wages.
17 & 18 Vict. c. 104. s. 171.

135. The master of every foreign-going ship shall, not less than twenty-four hours before discharging any seaman, deliver to him, or, if he is to be discharged before a superintendent of a mercantile marine office, to such superintendent, a full and true account, in the prescribed form, of his wages, and of all deductions to be made therefrom on any account whatever, and in default shall for each offence incur a penalty not exceeding *five* pounds.

No deduction from the wages of any seaman (except in respect of any matter happening after such delivery) shall be allowed, unless it is included in the account so delivered.

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The master shall during the voyage enter the various matters in respect of which such deductions are made, with the amounts of the respective deductions, as they occur, in a book to be kept for that purpose, and shall, if required, produce such book at the time of the payment of wages, and also upon the hearing before any competent authority of any complaint or question relating to such payment.

Time of payment and effect of non-payment of wages.

136. All wages due to any seaman shall be paid or deposited, in accordance with this Act, at the time at which he lawfully leaves the ship on the termination of the voyage, and, unless paid or deposited at that time, shall contine to run and become due until they are so paid or deposited; but when any delay in payment arises from a claim made by any seaman, which is not allowed by a superintendent of a mercantile marine office, or by any court having cognizance of the case such superintendent or court may, if they think fit, disallow the whole or any part of the wages running and accruing after the time by this Act fixed for payment.

Settlement of wages. 17 & 18 Vict. c. 104. s. 175.

137. The following rules shall be observed with respect to the settlement of wages; (that is to say,)

Release to be signed and attested.

(1.) Where a seaman is discharged, and the settlement of his wages is completed, he shall sign, in the presence of the superintendent before whom he is discharged or the settlement of wages completed, a release, in the prescribed form, of all claims in respect of the past voyage or engagement, and the master or owner of the ship shall also sign the same, and the superintendent shall also sign and attest it:

To be a discharge;

(2.) Such release, so signed and attested, shall operate as a mutual discharge and settlement of all demands between the parties thereto in respect of the past voyage or engagement:

and to be evidence.

(3.) A copy of such release or of any part thereof shall be given by such superintendent to any person requiring the same; and such copy shall be receivable in evidence upon any subsequent question touching such claims as aforesaid, and shall have all the effect of the original of which it purports to be a copy:

Voucher to be given to master, and to be evidence.

(4.) Upon any payment being made by a master before a superintendent, the superintendent shall, if required, sign and give to such master a statement of the whole amount so

paid; and such statement shall as between the master and his employer be received as evidence that he has made the payments therein mentioned.

Superintendents may decide questions which parties refer to them. 17 & 18 Vict. c. 104. s. 173.

138. A superintendent of a mercantile marine office shall hear and decide any question whatever between a master or owner and any of his crew which both parties agree in writing to submit to him; and every award made upon any such reference shall be final and binding upon both parties; and such submission or award shall not require a stamp; and any document purporting to be such submission or award shall be primâ facie evidence thereof.

Any such award may be enforced by any two justices or any court of summary jurisdiction in the same manner as if the award were an order of such justices or of such court made in a matter within their ordinary jurisdiction.

Master and others to produce ship's papers to superintendent. 17 & 18 Vict. c. 104. s. 174.

139. In any proceeding to decide any question between a master or owner and any of his crew, and in any transaction before any superintendent under this Act, relating to the wages, claims, or discharge of any seaman, such superintendent may require the owner or his agent, or the master or any mate or other member of the crew, to produce any log books, papers, or documents in their respective possession or power relating to any matter in question in such proceeding, and may require the attendance of and examine any of such persons, being then at or near the place, on any such matter; and every such person who fails to comply with such requisition shall, unless he shows some reasonable excuse, be liable for each such offence to a penalty not exceeding five pounds.

Superintendent may receive wages for seamen; and give receipt.

140. Where there is no dispute as to the amount of wages to which any seaman is entitled, the master or owner may, if such seaman agrees in writing, pay into the hands of any superintendent of a mercantile marine office the whole or any part of the wages of such seaman; and if the seaman has left the port of discharge, the superintendent shall forward the same to him: and the superintendent shall have full power to give any receipt on behalf of the seaman in respect of such wages; and any such receipt shall be of the same effect as if it had been signed by the seaman and attested by the superintendent.

Where any seaman has agreed to the payment of his wages in manner provided by this section, his wages shall continue to run and become due until they are paid into the hands of the superintendent.

Legal Rights to Wages—Compensation.

Legal Rights to Wages—Compensation.

Right to wages, &c., when to begin. 17 & 18 Vict. c. 104. s. 181.

141. A seaman's right to wages and provisions shall be taken to begin either at the time at which he commences work or at the time specified in the agreement for his commencement of work or presence on board, whichever first happens.

Right to recover wages, and salvage not to be forfeited. 17 & 18 Vict. c. 104. ss. 104. 182.

142. A seaman shall not by any agreement forfeit his lien on the ship, or be deprived of any remedy for the recovery of his wages, to which in the absence of agreement he would be entitled, or abandon his right to wages in case of the loss of the ship, or abandon any right that he may have or obtain in the nature of salvage; and every stipulation in any agreement inconsistent with any provision of this Act shall be void.

But nothing in this section shall apply to the case of a stipulation made by the seamen belonging to any ship which according to the terms of the agreement is to be employed on salvage service with respect to the remuneration to be paid to them for salvage services to be rendered by the ship to any other ship.

Wages not to depend on freight. 17 & 18 Vict. c. 104. s. 183.

143. The right to wages shall not depend on the earning of freight; and every seaman and apprentice who would be entitled to demand and recover any wages if the ship in which he has served had earned freight shall, subject to all other rules of law and all conditions applicable to the case, be entitled to claim and recover the same, notwithstanding that freight has not been earned; but in all cases of wreck or loss of the ship proof that he has not exerted himself to the utmost to save the ship, cargo, and stores shall bar his claim.

Wages in case of death before payment. 17 & 18 Vict. c. 104. s. 184.

144. If any seaman or apprentice to the sea service to whom wages are due dies before the same are paid, they shall be applied in the manner in this Act provided with respect to the wages of seamen dying during the voyage.

Wages on termination of service by wreck or illness. 17 & 18 Vict. c. 104. s. 185.

145. Where the service of a seaman terminates before the period contemplated in the agreement, by reason of the wreck or loss of the ship, or of his death, or of his being left on shore at any place abroad under a certificate, granted as provided by this Act, of his unfitness or inability to proceed on the voyage, he or (in case of his death) his representatives shall be entitled to wages, subject to all just deductions, up to the time of such termination of his service, but not for any longer time.

Where a seamen, whose service terminates by reason of any of the matters in this section specified, has been engaged by the run, he shall be entitled to a proportionate part of the wages to which

he would have been entitled on the termination of the run, subject to all just deductions, and such proportion shall be calculated up to the said termination of his service.

Forfeiture of wages, &c. of seaman when illness caused by his own default.

146. Where a seaman is by reason of illness incapable of performing his duty, and it is proved that such illness has been caused by his own wilful act or default, he shall not be entitled to wages for the time during which he is by reason of such illness incapable of performing his duty.

30 & 31 Vict. c. 124. s. 8.

Seamen improperly discharged to have compensation.

17 & 18 Vict. c. 104. s. 167.

147. Any seaman who has signed an agreement, and is afterwards discharged otherwise than in accordance with the terms of the agreement, without fault on his part justifying such discharge, and without his consent,—

And any seaman who has been engaged by the run, and is discharged before the termination of the run, without fault on his part justifying such discharge, and without his consent,—

Shall be entitled to receive from the master or owner, in addition to any wages he may have earned, due compensation for the damage thereby caused to him, and may recover such compensation as if it were wages duly earned.

In estimating the amount of such compensation the court shall, in the case of any discharge abroad, take into consideration the value of any employment which may be provided for the seaman by the master or owner in substitution for the employment from which he was discharged, and the cost (if any) incurred by the master or owner in providing for the maintenance and return passage of the seaman.

Any seaman who has been engaged by the run, and is discharged as in this section mentioned, shall be entitled to a proportionate part of the wages to which he would have been entitled on the termination of the run in the same manner as if his service had terminated by reason of the wreck or loss of the ship.

Sale of and charge upon wages to be invalid.

17 & 18 Vict. c. 104. s. 233.

148. No wages due or accruing to any seaman or apprentice to the sea service, or deposited by any seaman or apprentice with a superintendent of a mercantile marine office, officer of customs, or consular officer, shall be subject to attachment or arrestment from any court; and every payment of wages to a seaman or apprentice to the sea service shall be valid in law, notwithstanding any previous sale or assignment of such wages, or of any attachment, incumbrance, or arrestment thereon; and no assignment or sale of such wages made prior to the accruing thereof shall bind the person making the same; and no power of attorney or authority for the receipt of any such wages shall be irrevocable.

Mode of recovering Wages.

Mode of recovering Wages.

Summary proceedings for wages. 17 & 18 Vict. c. 104. s. 188.

149. Any seaman or apprentice to the sea service, or any person duly authorized on his behalf, may, in addition to any other remedy, sue in a summary manner before any court or justices having summary jurisdiction in or near to the place at which the service of the claimant has terminated, or at which the claimant has been discharged, or at which any person on whom the claim made is or resides, or at which the ship may be in respect of which the claim is made, for any amount of wages due to him, not exceeding fifty pounds, over and above the costs of recovery, as soon as the same becomes payable; and every order made by such court or justices in the matter shall be final.

Restrictions on suits for wages in superior courts. 17 & 18 Vict. c. 104. s. 189.

150. A suit or proceeding for the recovery of wages under the sum of fifty pounds shall not be instituted by or on behalf of any seaman or apprentice to the sea service in any Superior Court of Admiralty or in any Vice-Admiralty Court, nor in any superior court of record in Her Majesty's dominions, unless the owner of the ship is adjudged bankrupt or declared insolvent, or unless the ship is under arrest or is sold by the authority of any such court as aforesaid, or unless any court or justices acting under the authority of this Act refer the case to be adjudged by such superior court, or unless neither the owner nor master is or resides within twenty miles of the place where the seaman or apprentice is discharged or put ashore.

Share of profits may be recovered as wages.

151. Where seamen are compensated for their services wholly or in part by shares in the profits of the adventure of the ship in which they serve, such shares or any part thereof may, if not exceeding *fifty* pounds, be sued for and recovered in the same manner as wages under this Act.

Costs of procuring imprisonment may be deducted from wages. 17 & 18 Vict. c. 104. s. 251.

152. Whenever in any proceeding relating to seamen's wages it is shown that any seaman or apprentice has in the course of the voyage been convicted of any offence by any competent tribunal, and rightfully punished therefor by imprisonment or otherwise, the court hearing the case may direct any part of the wages due to such seaman to be applied in reimbursing any costs properly incurred by the master in procuring such conviction and punishment.

Master to have same remedies for wages as seamen.

153. Every master of a ship shall, so far as the case permits, have the same rights, liens, and remedies for the recovery of his wages which by this Act or by any law or custom any seaman, not being a master, has for the recovery of his wages.

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If in any proceeding before any court or justices touching the claim of a master or seaman or apprentice to the sea to wages any right of set-off or counter-claim is set up, it shall be lawful for such court or justices to enter into and adjudicate upon all questions, and to settle all accounts then arising or outstanding and unsettled between the parties to the proceeding, and to order any account of wages delivered by the master of a ship to any seaman in pursuance of this Act to be amended, and to direct payment of any balance which is found to be due.

Wages and Effects of deceased Seamen.

17 & 18 Vict. c. 104. s. 191.

Wages and Effects of deceased Seamen.

154. If any seaman or apprentice to the sea service belonging to or sent home in any ship the voyage of which has commenced or is about to terminate in the United Kingdom die during such voyage, the master of such ship shall take charge of all money, clothes, and effects which are on board his ship belonging to such seaman or apprentice, and shall enter and sign in the official log book such particulars respecting the same, and respecting the amount due to the deceased as wages, and the total amount of the deductions (if any) to be made therefrom, as prescribed by the regulations contained in the fourth schedule to this Act, and shall cause such entry to be attested by a mate and by one of the crew.

Effects and wages of seamen dying on board during voyage. 17 & 18 Vict. c. 104. s. 194.

155. The master may, if he think fit, cause any of the said clothes and effects to be sold by public auction, at the mast or otherwise, and shall, in manner prescribed by the said regulations, deliver, pay, and account for such money, clothes, and effects, or so much as remains unsold, and also for any money arising from such sale and the balance of wages due, (which clothes, effects, money, and wages are herein-after included under the term "property,") to the Board of Trade, or to a superintendent of a mercantile marine office, or to a British consular officer, or an officer of customs in some British possession, as may be prescribed by the said regulations.

Dealing with and account of effects of seamen who die on board during voyage. 17 & 18 Vict. c. 104. ss. 194, 195, and 196.

A superintendent in the United Kingdom shall grant to a master, upon due compliance with such provisions of this section as relate to acts to be done at a port in the United Kingdom, a certificate to that effect; and no officer of customs shall clear inwards any foreign-going ship without the production of such certificate.

The master of such ship, and in his default the owner of such ship, shall be accountable for the property of such seaman or apprentice to the Board of Trade; and if the same are not paid, delivered, and accounted for as provided by this section, such property, or the value thereof, may be recovered by the Board of Trade from such master or owner; and such master and owner shall each

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for his own default be liable, in addition to his liability for the said property and value, to pay a penalty not exceeding, for each offence, treble the value of the property not accounted for, delivered, or paid over, or, if such value be not ascertained, not exceeding *fifty* pounds.

Such property may be recovered in the same court and by the same mode of proceeding as wages may be recovered by seamen under this Act.

Effects abroad not on board ship. 17 & 18 Vict. c. 104. s. 197. 25 & 26 Vict. c. 63. s. 20.

156. If any seaman or apprentice to the sea service belonging to or sent home in a ship the voyage of which has commenced or is to terminate in the United Kingdom, or who has within the six months immediately preceding his death belonged to any such ship, dies at any place either in or out of Her Majesty's dominions, leaving any money or effects not on board the ship to which at or last before his death he belonged, the chief officer of customs in the case of a British possession, and in other cases the British consular officer at or near to the place, shall claim and take charge of such money and effects.

Every chief officer of customs in a British possession, and every British consular officer, who receives any property of a deceased seaman or apprentice under this Act, shall deal with, remit, and account to the Board of Trade or otherwise for the same in manner prescribed by the said regulations.

Recovery of wages, &c. of seamen lost with their ship. 25 & 26 Vict. c. 63. s. 21.

157. Where any ship the voyage of which has commenced or is to terminate in the United Kingdom is lost, the wages of seamen or apprentices who are lost with the ship to which they belong shall be dealt with as follows; (that is to say,)

(1.) The Board of Trade may recover the same from the owner of the ship in the same manner in which seamen's wages are recoverable:

(2.) In any proceeding for the recovery of such wages, if it is shown by some official return produced out of the custody of the Registrar General of Seamen, or by other evidence, that the ship has twelve months or upwards before the institution of the proceeding left a port of departure, she shall, unless it is shown that she has been heard of within twelve months after such departure, be deemed to have been lost with all hands on board, either immediately after the time she was last heard of, or at such later time as the court hearing the case may think probable:

(3.) The production out of the custody of the Registrar General of Seamen, or of the Board of Trade, of any duplicate

agreement or list of the crew made out at the time of the last departure of the ship from the United Kingdom, or of any statement of any change in the crew required by this Act to be sent to a superintendent, or of a certificate purporting to be a certificate from a consular or other public officer at any port out of the United Kingdom, stating that certain seamen or apprentices were shipped in the ship from the said port, shall, in the absence of proof to the contrary, be sufficient proof that the seamen or apprentices therein named were on board at the time of the loss:

(4.) The Board of Trade shall deal with such wages in the manner in which they deal with the wages of other deceased seamen and apprentices under this Act.

Wages and effects of seamen dying at home to be paid in certain cases to Board of Trade. 19 & 20 Vict. c. 41. s. 198

158. Whenever any seaman or apprentice to the sea service dies in the United Kingdom, and is at the time of his death entitled to claim from the master or owner of any ship in which he has served any effects or unpaid wages, such master or owner shall pay and deliver or account for the same to the superintendent of the mercantile marine office at the port where the seaman or apprentice was discharged or was to have been discharged, or to the Board of Trade, or as they direct.

Payment over of property of deceased seamen. 17 & 18 Vict. c. 104. s. 199.

159. Where the property of any deceased seaman or apprentice comes into the hands of the Board of Trade, or a superintendent of a mercantile marine office, or an officer of customs, or consular officer, the Board of Trade, after deducting for expenses incurred in respect of such seaman or apprentice or his property such sum as they think proper to allow, shall, subject to the provisions in this section contained with respect to foreign seamen, deal with the residue of such property (which property is herein-after referred to as property received by the Board of Trade) as follows:

If such residue exceed in value the sum of one hundred pounds, then they shall pay and deliver the same to the legal personal representatives of the deceased.

If the residue does not exceed in value the sum of one hundred pounds, the Board of Trade may pay or deliver the same to any claimant who is proved to their satisfaction to be the widow or a child of or a relative or legatee of the deceased, or any person entitled to take out probate, letters of administration or confirmation, whom they consider entitled to receive the same, although no such probate, letters, or confirmation be taken out.

The Board of Trade may in any case, if they think fit, require probate, letters of administration or confirmation, to be taken

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out, and may thereupon pay and deliver such residue to the legal personal representative of the deceased.

Every person to whom such property is so paid or delivered shall apply the same in due course of administration.

In the case of a foreign seaman or apprentice, the Board of Trade may, if it so pleases, pay over such residue to the chief consular officer of the country to which he belongs.

Rejection by Board of Trade of wills made by seamen. 17 & 18 Vict. c. 104. s. 200.

160. Where a deceased seaman or apprentice has left a will, the Board of Trade may, in their discretion, refuse to pay or deliver any property received by them to persons claiming to be entitled thereto, as follows; that is to say,

If the will is made on board ship to any person claiming under such will, unless such will is in writing, and is signed or acknowledged by the testator in the presence of the master or first or only mate of the ship, and is attested by such master or mate:

If the will was not made on board ship, then to any person claiming under such will, and not being related to the testator by blood or marriage, unless such will is in writing, and is signed or acknowledged by the testator in the presence of two witnesses, one of whom is some superintendent of a mercantile marine office, or some minister of religion officiating in the place in which the same is made, or, where there are no such persons, some justice of the peace, or some British consular officer, or some officer of customs, and is attested by such witnesses:

Whenever the Board of Trade refuse under this section to pay or deliver any property to any person claiming under a will the property so claimed shall be dealt with as if no will had been made.

In the case of a foreign seaman or apprentice, the Board of Trade may, if it so pleases, deliver the will, and any property received by them, to the consul general of the country to which such seaman or apprentice belongs.

Provision for payment of just claims by creditors, and for preventing fraudulent claims. 17 & 18 Vict. c. 104. s. 201.

161. The following rules shall be observed with respect to creditors of deceased seamen and apprentices to the sea service; (that is to say,)

(1.) A creditor shall not be entitled to claim from the Board of Trade the property of any such seaman or apprentice, or any part thereof, by virtue of letters of administration taken out by him, or by virtue of confirmation in Scotland as executor creditor:

(2.) A creditor shall not be entitled by any means whatever to payment of his debt out of such property, if the debt accrued more than three years before the death of the deceased, or if a demand, as provided by this section, be not made within two years after such death:

(3.) A demand must be made by the creditor delivering to the Board of Trade an account in writing the prescribed form, stating the particulars of his demand and the place of his abode, and verified by his signature and his declaration made before a justice:

(4.) If before such demand is made any claim to the property of the deceased made by any person as relative or legatee has been allowed, the Board of Trade shall give notice to the creditor of the allowance of such claim:

(5.) If no claim by any such person has been allowed, the Board of Trade shall proceed to investigate the creditor's account, and may for that purpose require him to prove the same, and to produce all books, accounts, vouchers, and papers relating thereto; and if such books, accounts, vouchers, and papers are produced, or reasons satisfactory to the Board of Trade are given for not producing them, and if by means of them the creditor duly satisfies the Board of Trade of the justice of the demand, either in the whole or in part, the same shall be allowed and paid accordingly, so far as the property in the hands of the Board of Trade will extend for that purpose, but otherwise shall be disallowed:

(6.) In any case whatever the Board of Trade may delay the investigation of any demand made by a creditor for the payment of his debt for one year from the time of the first delivery of the demand; and if in the course of that time a claim to the property of the deceased be made by any person as a relative or legatee, and allowed by the Board of Trade under this Act, the Board of Trade may pay and deliver the same to such person.

(7.) Where the property has been paid and delivered by the Board of Trade to any person as a relative or legatee of the deceased, whether before or after the demand made by the creditor, the creditor shall have the same rights and remedies against such person as if he had received such property as the legal personal representative of the deceased.

(7.) Any creditor who makes a demand upon the Board of Trade in respect of the property of a deceased seaman or apprentice, without accounting for any money he may have received in respect of such demand, shall forfeit the whole of such demand.

Discharge of Board of Trade.

162. Where any property of a deceased seaman or apprentice has been received by the Board of Trade under this Act, and the Board of Trade have paid or delivered the same to any person claiming to be entitled thereto as a relative or legatee of the deceased, or as

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a creditor, or to any consular officer, such payment and delivery shall discharge the Board of Trade from all further liability in respect of the property so paid or delivered.

Mode of dealing with unclaimed wages of deceased seamen. 17 & 18 Vict. c. 104. s. 202.

163. Where no claim to the property of any deceased seaman or apprentice received by the Board of Trade is substantiated within six years after the receipt thereof by the Board, it shall be in the absolute discretion of the Board, if any subsequent claim is made, either to allow or to refuse the same; and the Board of Trade shall from time to time pay any money arising from the unclaimed property of deceased seamen and apprentices, which in the opinion of the Board it is not necessary to retain for the purpose of satisfying claims, into the receipt of Her Majesty's Exchequer in such manner as the Treasury direct, and the same shall be carried to and form part of the Consolidated Fund of the United Kingdom.

Powers in case of death. 17 & 18 Vict. c. 104. s. 184.

164. If any seaman or apprentice to the sea service to whom wages are due dies before the same are paid, they shall be paid and applied in the manner in this Act provided with respect to the wages of seamen dying during the voyage.

Property of seamen discharged from Royal Navy. 17 & 18 Vict. c. 104. s. 204.

165. Where any seaman, having been invalided or discharged from any of Her Majesty's ships, is sent home in a merchant ship, and dies during the voyage, the provisions of this Act respecting the property of seamen dying abroad shall extend to the property of such seaman, with this qualification, that the same shall be paid over and disposed of by the Board of Trade in such manner as the Accountant General of Her Majesty's Navy directs.

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Remittance of seamen's wages. 17 & 18 Vict. c. 104. s. 177.

166. Every superintendent of a mercantile marine office, every officer of customs in any British possession, and every British consular officer in any place out of Her Majesty's dominions, shall, if so directed by the Board of Trade, remit the wages and other money of seamen and apprentices to the sea service by means of seamen's money orders, in accordance with this Act.

Board of Trade may make regulations concerning money orders. 17 & 18 Vict. c. 104. s. 171

167. The Board of Trade may from time to time make, cancel, and vary regulations concerning seamen's money orders issued in pursuance of this Act, and in particular may specify in such regulations the time, mode of payment, and the persons by or to whom the same are to be paid; and all such regulations, so long as they are in force, shall be of the same effect as if they were enacted in this Act.

Power to pay when order is lost.

168. The Board of Trade may, in any case in which they think fit so to do, cause the amount of any seaman's money order to be paid

to the person to whom or in whose favour the same has been granted, or to the personal representative, legatee, or next of kin of such person, notwithstanding that such order may not be in his or their possession; and in all such cases, from and after such payment, the Board of Trade, and every superintendent and officer employed about such money order, shall be freed from all liability in respect thereof.

17 & 18 Vict. c. 104. s. 178.

169. Every superintendent and officer who grants or issues any seaman's money order with a fraudulent intent shall in England or Ireland be deemed guilty of felony, and in Scotland of a high crime and offence, and shall be liable to be kept in penal servitude for a term not exceeding *seven* years.

Penalty for issuing money orders with fraudulent intent.

17 & 18 Vict. c. 104. s. 179.

170. The Board of Trade may establish in London a central savings bank for seamen, with branch savings banks at such ports and places in the United Kingdom as they think expedient, and may receive at those banks deposits from or on account of seamen, or the wives, widows, and children of seamen, so that the aggregate amount of deposit standing at any one time in the name of any one depositor do not exceed *two hundred* pounds.

Power for Board of Trade to establish savings banks.

19 & 20 Vict. c. 41. s. 1.

171. The Board of Trade may constitute any mercantile marine branch office a savings bank for seamen, and, if so required, any superintendent of that office shall act as agent of the Board of Trade in executing the provisions of this Act relative to savings banks.

Power to constitute mercantile marine offices branch savings banks.

19 & 20 Vict. c. 41. s. 2.

172. The Commissioners for the Reduction of the National Debt may from time to time, on the request of the Board of Trade, receive from Her Majesty's Paymaster General the money received by the Board of Trade as deposits in savings banks under this Act, and may from time to time, on the like request, repay to Her Majesty's Paymaster General, to the account of the Board of Trade, the money so received by the commissioners, and the commissioners shall invest money so received by them in the manner in which money received from trustees of savings banks is invested by them, and shall pay to Her Majesty's Paymaster General, to the account of the Board of Trade, interest on the money so received by them, as long as the same continues in their hands, at the same rate at which they pay interest for the time being on the money received by them from the trustees of savings banks.

Commissioners for the Reduction of the National Debt to receive deposits, &c.

19 & 20 Vict. c. 41. s. 3.

173. The Board of Trade may from time to time make, and alter and revoke, regulations with respect to the persons entitled to become depositors, to the making and withdrawal of deposits, the amount of deposits, the rate and payment of interest, the rights,

Board of Trade to make regulations for conduct of

Remittance of Wages and Savings Banks for Seamen.

claims, and obligations of depositors, and with respect to all other matters incidental to carrying into execution the provisions of this Act with respect to seamen's savings banks, and all regulations so made shall be of the same force as if they were enacted in this Act.

savings banks.

19 & 20 Vict. c. 41. s. 4.

174. All sums of money due from the Board of Trade to the estate of any deceased person entitled to any deposit in any savings bank established under this Act shall be paid and applied by the Board of Trade in the same manner as if they were property of a deceased seaman received by the Board of Trade under this Act, and the provisions of this Act respecting the payment and delivery of such property, and the rights of creditors and claimants thereto, shall apply accordingly.

Application of deposits of deceased depositor.

19 & 20 Vict. c. 41. s. 5.

Expenses of savings banks how to be defrayed.

19 & 20 Vict. c. 41. s. 7.

175. The Board of Trade may, out of the interest paid by the Commissioners for the Reduction of the National Debt on the money paid to them under this Act, pay any expenses incurred by them in relation to seamen's savings banks in pursuance of this Act.

Accounts and copy of regulations to be laid before Parliament.

19 & 20 Vict. c. 41. s. 8.

176. An annual account of all deposits received and repaid on account of seamen's savings banks by the Board of Trade under the authority of this Act, and of the interest thereon, shall be laid before both Houses of Parliament; and a copy of all regulations made by this board under the authority of this Act with respect to seamen's savings banks shall likewise be laid before both Houses of Parliament.

Public officers to be exempt from legal proceedings, except in case of wilful default.

17 & 18 Vict. c. 104. s. 177. 19 & 20 Vict. c. 41. s. 4.

177. No legal proceedings shall be instituted against the Board of Trade, or against any superintendent officer employed in or about any seamen's savings banks under this Act, or about any money orders issued for remittance of wages or other money of seamen under this Act, on account of any regulations made by the Board of Trade with reference to such banks or orders, or on account of any act done or left undone in pursuance thereof, or on account of any refusal, neglect, or omission to pay any order or any deposit or interest thereon, unless such refusal, neglect, or omission arise from fraud or wilful misbehaviour on the part of the person against whom proceedings are instituted.

Enactments, concerning savings banks, &c. to apply to seamen in the navy.

18 & 19 Vict. c. 91. s. 17.

178. The provisions of this Act with respect to the remittance of wages and savings banks shall apply to all seamen, and to their wives and families, whether such seamen belong to the Royal Navy or to the merchant service, or to any other sea service.

Reimbursement out of Wages of Relief to Seamen's Families.

Reimbursement out of Wages of Relief to Seamen's Families.

179. Whenever, during the absence of any seaman on a voyage, his wife, or any of his children or step-children, becomes chargeable to any union or parish in the United Kingdom, such union or parish shall be entitled to be reimbursed, out of the wages of such seaman earned during the voyage, any sums properly expended during his absence in the maintenance of his said relatives or any of them, so that such sums do not exceed the following proportions of his said wages; (that is to say,)

Relief to seamen's families to be chargeable on a certain proportion of their wages. 17 & 18 Vict. c. 104. s. 192.

(1.) If only one of such relatives is chargeable, one half of such wages:

(2.) If two or more of such relatives are chargeable, two thirds of such wages:

But if during the absence of the seaman any sums have been paid by the owner to or on behalf of any such relative as aforesaid, under an allotment note given by the seaman in favour of such relative, any such claim for reimbursement as aforesaid shall be limited to the excess (if any) of the proportion of the wages herein-before mentioned over the sums so paid.

180. For the purpose of obtaining such reimbursement as aforesaid, the following local authorities, (that is to say,)

Notice to be given to owner, and charge to be enforced on the return of the seaman. 17 & 18 Vict. c. 104. s. 193.

In any union or parish in England in which the relief of the poor is administered by guardians, or other body of persons performing the functions of guardians, the guardians or other body of persons;

In any parish in England in which the relief of the poor is not administered by guardians or such other body of persons as aforesaid, the overseers of the poor;

In Ireland the guardians or other persons having the authority of guardians in any union;

In Scotland any inspector of the poor,

May give to the owner of the ship in which the seaman is serving a notice in writing, stating the proportion of the seaman's wages upon which it is intended to make claim, and requiring the owner to retain such proportion in his hands for a period to be therein mentioned, not exceeding twenty-one days from the time of the seaman's return to his port of discharge, and also requiring such owner immediately on the seaman's return to give notice in writing thereof to the local authority.

The owner, after receiving such notice, shall be bound to retain the said proportion of wages, and to give notice of the seaman's

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return accordingly, and shall likewise give to the seaman notice of the intended claim.

The local authority may, upon the seaman's return, apply in a summary way in England or Ireland to any two justices or court having summary jurisdiction in the union or parish claiming reimbursement, for an order for reimbursement; and such justices or court may hear the case, and may make an order for such reimbursement to the whole extent aforesaid, or to such lesser amount as they or he may under the circumstances think fit; and the owner shall pay to the local authority out of the seaman's wages the amount so ordered to be paid by way of reimbursement, and shall pay the remainder of the said wages to the seaman.

If no order for reimbursement is obtained within the period mentioned in the notice to be given to the owner as aforesaid, the proportion of wages to be retained by him shall immediately on the expiration of such period and without deduction be payable to the seaman.

Destitute Foreign Seamen.

Penalty on masters of ships leaving certain seamen in distress in this country. 17 & 18 Vict. c. 120. s. 16.

181. If a native of any country in Asia, Africa, or of any of the islands in the South Sea or the Pacific Ocean, or of any country not having any consul in the United Kingdom, be brought to the United Kingdom in any ship, British or foreign, as a seaman, and be left in the United Kingdom, and within six months of his being so left he become chargeable upon the poor rate, or commit any act by reason of the committal whereof he is liable to be convicted as an idle and disorderly person, or any other act of vagrancy, the master or owner of the said ship, or in case of a foreign ship the person who is consignee of the ship at the time of the seaman being so left as aforesaid, shall incur a penalty not exceeding *thirty* pounds, unless he can show that the person so left as aforesaid quitted the ship without the consent of the master, or that due means have been afforded by such master, owner, or consignee, or one of them, to such person, of returning to his native country or to the country in which he was shipped, and the court inflicting such penalty may order the whole or any part of such penalty to be applied towards the relief or sending home of such person.

Relief of destitute lascars. 18 & 19 Vict. c. 91. s. 22.

182. It shall be the duty of the Secretary of State for India for the time being to take charge of and send home or otherwise provide for all persons, being lascars or other natives of the territories under the government of Her Majesty in India, who are found destitute in the United Kingdom; and if any such person is relieved

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and maintained by any guardians, overseers, or other persons administering the relief of the poor, such overseers, guardians, or other persons may, by letter sent through the post or otherwise, give notice thereof in writing to the said Secretary of State, specifying as far as is practicable the following particulars; viz.

1. The name of the person so relieved or maintained:
2. The presidency, or district, or part of the territories of Her Majesty in India, of which he professes to be a native:
3. The name of the ship in which he was brought to the United Kingdom:
4. The port or place abroad from which such ship sailed, and the port or place in the United Kingdom at which such ship arrived when he was so brought to the United Kingdom, and the time of such arrival:

And the said Secretary of State shall repay to the said overseers, guardians, or other persons out of the revenues of India all monies duly expended by them in relieving or maintaining such destitute person after the time at which such notice aforesaid is sent or otherwise given.

Discharge of Seamen abroad.

Seamen not to be discharged or left abroad unless certificate obtained.

17 & 18 Vict. c. 104. ss. 205–213.

183. The master of a ship shall not, unless he first obtains such certificate as herein-after mentioned, discharge or leave any seaman or apprentice to the sea service abroad, and he shall be deemed to discharge or leave a seaman or apprentice abroad if he discharges or leaves him at the following places; namely,

If such seaman or apprentice was engaged in the United Kingdom, then at any place out of the United Kingdom; or,

If such seaman or apprentice was engaged in any British possession, then at any place in any other British possession or in any foreign country:

If any master discharges or leaves any seaman or apprentice abroad, in contravention of the provisions of this section, or wrongfully forces ashore any seaman or apprentice, he shall be guilty of a misdemeanor.

And in any legal proceeding respecting such discharge or leaving abroad it shall lie on the master to prove that such certificate was or could not be obtained.

Persons to give certificates.

Ib.

184. The certificate shall be obtained from one of the following persons; namely,

At any place within Her Majesty's dominions, from a superintendent of a mercantile marine office (if any).

At any place out of Her Majesty's dominions, from the British consular office for the place, or some person appointed by him in

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that behalf, or if the consular officer be absent, or if there be no consular officer for the place, from two respectable British merchants resident at or near the place.

Conditions of obtaining certificate. 17 & 18 Vict. c. 104. ss. 205–213.

185. Before any such certificate is granted the master of the ship shall, on making application for the certificate, produce the agreement with the crew to the person or persons to whom the application is made, and shall deliver to him or them a true account in duplicate of the amount of wages due to the seaman or apprentice, and shall deposit with such person or persons,—

(1.) The amount of wages and of compensation (if any) due to the seaman or apprentice:

(2.) Save in the cases otherwise provided for by this Act, the amount requisite to provide for the maintenance and return passage of the seaman or apprentice:

Upon compliance with the foregoing conditions, the person or persons authorized to grant certificates for the discharge or leaving abroad of seamen or apprentices shall,—

(*a.*) If the seaman or apprentice be discharged in accordance with the terms of the agreement with the crew of the ship, or by or in pursuance of the sentence of a competent court;

(*b.*) If the master and the seaman or apprentice both consent to such discharge or leaving abroad,

grant such certificate; but in all other cases shall inquire into the circumstances, and may for that purpose administer oaths, and shall give or withhold the certificate, as he or they think fit; and any person who in the course of such inquiry wilfully makes any false statement shall be guilty of a misdemeanor.

Cases in which no money is to be deposited for maintenance and return passage. *Ib.*

186. In the following cases, (that is to say,)

(1.) If the master prove to the satisfaction of the person or persons to whom he applies for a certificate that he has provided adequate employment or an adequate return passage for the seaman or apprentice, or that for any other reason no expense will be incurred in relieving, maintaining, or sending home such seaman or apprentice;

(2.) If the master satisfies the person or persons to whom he applies for a certificate that the cause of leaving the seaman or apprentice abroad is desertion, and pays into the hands of such person or persons the wages earned by such seaman or apprentice previous to such desertion,

It shall not be necessary for the master to deposit any money on account of the maintenance or return passage of such seaman or apprentice.

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Where the master has deposited any moneys on account of the maintenance and return passage of any seaman or apprentice, and, within such reasonable time as may be fixed by the regulations of the Board of Trade, provides adequate employment for the seaman or apprentice or provides him with an adequate return passage, such moneys shall, after deducting therefrom any sums which may have been spent on account of such seaman or apprentice, be returned to the master.

Persons who grant certificates to decide on adequacy of employment or return passage. 17 & 18 Vict. c. 104. ss. 205–213.

187. It shall be lawful for the officers and persons authorized to grant certificates in the case of seamen or apprentices discharged or left abroad to decide upon the adequacy of any employment or return passage provided as aforesaid for any seaman or apprentice, and whether such passage ought to be to the place where the seaman or apprentice was shipped, or to his home, and in accordance with such decision to return to or withhold from the master the money deposited for the purpose of maintaining such seaman or apprentice, and paying his return passage.

Application of wages of seamen left abroad on ground of desertion. *Ib.*

188. Where any seaman or apprentice is left abroad on the ground of desertion, all wages earned by him previous to his desertion shall be applicable in the first instance towards the discharge of any expenses incurred in relieving him, and the balance of such wages (if any) shall be forfeited and applied in the manner in which forfeited wages are by this Act required to be applied, provided that where the person granting the certificate authorizing the seaman or apprentice to be left abroad, or the Board of Trade, are satisfied that the seaman or apprentice did not desert, they shall restore the wages to him.

Endorsement of certificate on ship's agreement. *Ib.*

189. When any certificate for discharging or leaving abroad any seaman or apprentice is granted, the person granting the same shall endorse upon the agreement of the ship which the seaman or apprentice is leaving a statement of the fact, and, if satisfied of the correctness of the account of the wages due to a seaman or apprentice, shall endorse a receipt for the same upon one of the duplicates of such account delivered to him as aforesaid, and shall return the duplicate so endorsed to the master, and, where the seaman or apprentice has deserted, shall endorse upon the agreement of the ship a statement of the payment (if any) of the wages due to such deserter; and if such wages are not paid to the person granting the certificate, they may be sued for and recovered by the Board of Trade.

Amount to be paid for expenses of

190. It shall be lawful for the Board of Trade from time to time to make, cancel, or alter regulations with respect to the

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seamen left abroad
17 & 18 Vict. c. 104. ss. 205–213.

amount to be deposited in accordance with the provisions of this Act for the expenses of the maintenance and return passage of seamen and apprentices discharged or left abroad at any place within or out of Her Majesty's dominions, and in default of any such regulations the requisite amount shall be determined by the person or persons authorized by this Act to give certificates for the discharge or leaving of seamen abroad.

For the purposes of this Act, the term "maintenance" includes the cost of medical attendance in case of sickness and burial in case of death.

Expenses of maintenance, &c. to be a charge on the ship.
Ib.

191. The expenses of the maintenance and return passage of any seaman or apprentice shall be a charge upon the ship to which the seaman or apprentice belonged at the time of his being discharged or left abroad, and where they are not deposited in accordance with this Act they or any part thereof may, if the seaman or apprentice has paid the same, or rendered himself liable to pay the same, be sued for and recovered by such seaman or apprentice or his representatives in the same manner as wages under this Act.

Where a seaman is discharged for his misconduct, expenses of his maintenance may be deducted from wages.
Ib.

192. Where any seaman or apprentice is discharged abroad, it shall be lawful for any court in which the wages of seamen may be sued for and recovered, or for any consular officer in any place out of Her Majesty's dominions, if satisfied that the discharge of the seaman or apprentice is due to his misconduct, to order that the expenses of his maintenance and return passage, or any part of such expenses, be paid by the seaman or apprentice himself; and such expenses shall be payable accordingly, and may, if they have been paid or deposited by the master of the ship, be deducted from any wages due to the seaman or apprentice; but nothing in this section contained shall affect the liability of any master or owner of a ship to repay any expenses which may be incurred in pursuance of this Act in respect of the relief of such seaman or apprentice by any person or persons authorized to provide for seamen and apprentices who are in distress in any place abroad.

Payment of seamen's wages to be in cash where practicable.
Ib.

193. Payment of the wages of seamen and apprentices discharged or left abroad, and of the sum to be deposited to meet the expenses of their maintenance and return passage, shall, whenever it is practicable so to do, be made in money and not by bill.

Where payment is made by bill the person to whom the payment is made shall certify by endorsement on the bill the purpose for which it is drawn, and shall also endorse the amount for which the bill is drawn, with such further particulars as the Board of Trade

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requires, on the agreement of the ship. Where payment is made by bill drawn by the master the owner of the ship shall be liable to pay the amount for which the same is drawn to the holder or indorsee thereof; and it shall not be necessary in any proceeding against the owner upon such bill to prove that the master had authority to draw the same; and any bill purporting to be drawn in pursuance of this section, and to be indorsed as in this section required, if produced out of the custody of the Board of Trade or of the Registrar of Seamen, or of any superintendent of any mercantile marine office, shall be received in evidence; and any indorsement on any such bill purporting to be made in pursuance of this section shall also be received in evidence, and shall be deemed to be primâ facie evidence of the facts stated in such indorsement.

Accounts of expenses of seamen relieved.

17 & 18 Vict. c. 104. s. 210.

194. Where any seaman or apprentice has been discharged or left abroad, and a duplicate of the account of his wages has been returned to the master, the master shall, within forty-eight hours after his return to his port of destination, deliver the same to a superintendent of a mercantile marine office there.

The person to whom the wages of the seaman or apprentice are paid under this Act shall retain the other duplicate of the said account, and shall, if the seaman or apprentice subsequently obtains employment at or quits the port, deduct out of the sum received by him as aforesaid on account of wages any expenses which have been incurred by him in respect of the seaman or apprentice under the provisions in this Act contained, over and above the sum deposited for his expenses, and shall, except where the seaman or apprentice has deserted, pay the remainder of the wages to the seaman or apprentice, and shall also deliver to him an account of the sums so received and expended on his behalf, and shall, if the seaman or apprentice dies before his ship quits the port, deal with such wages in the manner in this Act specified in that behalf, and shall, if the seaman or apprentice is sent home at the public expense under the provisions in this Act contained, account for the amount received on account of wages to the Board of Trade; and such amount shall, after deducting any expenses which have been duly incurred in respect of such seaman or apprentice, be dealt with as wages to which the seaman or apprentice is entitled.

The amount deposited for the expenses of the seaman or apprentice shall be accounted for by the person who receives the same to the Board of Trade, and the residue of the amount (after defraying the expenses incurred) shall be returned to the owner of the ship.

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Distressed Seamen.

Discharge of seamen abroad to be conducted in same manner as in the United Kingdom.

195. The discharge of seamen discharged abroad shall take place before the persons authorized by this Act to grant certificates for discharging or leaving seamen abroad; and the rules which are in this Act contained with respect to the discharge of seamen before, and the deposit of seamen's wages with superintendents of mercantile marine offices in the United Kingdom, with the penalties imposed on persons making default with respect thereto, shall, so far as may be, apply to the discharge of seamen before and the deposit of seamen's wages with the said authorized persons, and such persons shall have all the powers which superintendents of mercantile marine offices in the United Kingdom are by this Act enabled to exercise with respect to such discharge, and with respect to wages deposited with them.

Distressed Seamen.

Distressed seamen found abroad may be relieved and sent home at the public expense. 17 & 18 Vict. c. 104. s. 211. 18 & 19 Vict. c. 91. s. 16. 25 & 26 Vict. c. 63. s. 22.

196. The following authorities, that is to say, superintendents of mercantile marine offices within Her Majesty's dominions, and governors of British possessions, British consular officers, and other officers of Her Majesty in foreign countries, shall, and, in places where there are no such officers, any two resident British merchants may, on the prescribed conditions, and in accordance with the prescribed regulations, provide for the maintenance and return of all seamen and apprentices to the sea service, whether subjects of Her Majesty or not, who have been discharged or left abroad from any ship or shipwrecked, and who are in distress in any place abroad, and all seamen and apprentices to the sea service, being subjects of Her Majesty, who have been discharged or left abroad from any foreign ship, or who are in distress in places abroad, all which seamen and apprentices are included in this Act under the term distressed seamen.

Where the said authorities provide such distressed seamen with a passage in a ship, they shall endorse on the agreement with the crew of the ship the name of every person for whom a passage is so provided on board thereof, with the prescribed particulars.

The said authorities shall be allowed the expenses of the maintenance and return of distressed seamen the prescribed sums, which shall, on the production of the bills of disbursements, with the proper vouchers, be paid by the Board of Trade.

No seaman or apprentice shall have any right to be maintained or sent home except in the cases and to the extent prescribed.

Masters of ships com-

197. The master of every ship shall receive and afford a passage and maintenance to all distressed seamen whom he is

required under this Act to take on board his ship, not exceeding one for every fifty register tons, and shall convey them to any port to which he may be bound directly or in the course of his voyage, and to which he is ordered to convey them, and shall during the passage provide every such distressed seaman with a proper berth or sleeping place, effectually protected against sea and weather.

pelled to take seamen. 17 & 18 Vict. c. 104. s. 212.

On the production of a certificate, signed by the authority by whose directions any such distressed seaman was received on board, in the prescribed form and specifying the prescribed particulars, and on a declaration made by the master before a justice, and verified by the Registrar General of Seamen, stating the prescribed particulars, the master shall be entitled to be paid in respect of the maintenance and passage of every seaman or apprentice so conveyed, maintained, and provided for by him, exceeding the number (if any) wanted to make up the complement of his crew, the prescribed sum per diem.

If any master refuses or fails to act in conformity with the provisions of this section, he shall incur a penalty not exceeding one hundred pounds for each seaman or apprentice with respect to whom he makes such refusal or default.

Expenses of relief of distressed seamen. 17 & 18 Vict. c. 104. s. 213. 18 & 19 Vict. c. 91. s. 16.

198. All expenses incurred under this Act for the relief of distressed seamen, and also all expenses incurred by any foreign government for the like purpose, and repaid by Her Majesty's government, shall be paid out of money provided by parliament.

All such expenses, together with the wages and compensation, if any, due to any distressed seaman, shall be a charge upon the ship, whether British or foreign, to which such distressed seaman belonged, and shall be a debt due to Her Majesty from the master of such ship, or from the owner of such ship for the time being, or, if the ship be a foreign ship, from any persons who engaged such seaman for service in the ship; and such debt may be recovered by the Board of Trade in the name of Her Majesty either by ordinary process of law, or in the manner in which wages may be recovered by seamen under this Act.

In any such proceedings the account (if any) of the said expenses, furnished in accordance with this Act or any regulations made thereunder, together with proof of payment of the said expenses by the Board of Trade or by the Paymaster General, shall be sufficient evidence that the said expenses were defrayed by Her Majesty.

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Volunteering into the Navy.

Volunteering into the Navy.

In time of war seamen may be authorized by Order in Council to volunteer into the navy.

199. It shall be lawful for Her Majesty at any time to declare by Order in Council that merchant seamen may volunteer into the navy.

The order shall continue in force for such period as is named therein, or until it be cancelled by a subsequent Order in Council; and it shall apply to such ships and in such places as are specified in the order, or, if no ships or places be specified therein, to all British ships wherever they may be.

Seamen allowed to leave their ships in order to enter the navy. 17 & 18 Vict. c. 104. s. 214.

200. So long as any order authorizing merchant seamen to volunteer into the navy is in force, any seaman may leave his ship for the purpose of forthwith entering into the naval service of Her Majesty, and such leaving his ship shall not be deemed a desertion therefrom, and shall not render him liable to any punishment or forfeiture whatever; and all stipulations introduced into any agreement whereby any seaman is declared to incur any forfeiture or be exposed to any loss in case he enters into Her Majesty's naval service in pursuance of this section shall be void, and every master or owner who causes any such stipulation to be so introduced shall incur a penalty not exceeding *twenty* pounds.

Clothes to be delivered at once. 17 & 18 Vict. c. 104. s. 215.

201. Whenever any seaman, without having previously committed any act amounting to and treated by the master as desertion, leaves his ship in order to enter into the naval service of Her Majesty, in pursuance of this Act, and is received into Her Majesty's service, the master shall deliver to him his money, clothes, and effects on board such ship, and shall pay the proportionate amount of his wages down to the time of such entry, subject to all just deductions, to the officer authorized to receive the seaman into Her Majesty's service, either in money or by bill drawn upon the owner, and payable at sight, to the order of the Accountant General of the Navy; and the receipt of such officer shall be a discharge for the money or bill so given; and such bill shall be exempt from stamp duty.

Wages to be given to the Queen's officer on account of the seaman.

If upon any seaman leaving his ship in the manner and for the purpose aforesaid the master fail to deliver his money, clothes, and effects, or to pay his wages, as by this Act required, he shall, in addition to his liability to pay and deliver the same, incur a penalty for each offence not exceeding twenty pounds.

Regulations in schedule with regard

202. The regulations contained in the fifth schedule to this Act shall have effect with regard to the wages of any seaman who is

received into Her Majesty's service as aforesaid, and such regulations shall be of the same force as if they were enacted in the body of this Act.

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to wages of seamen received into navy.

203. Every ship shall, except in cases where the crew are bound by the agreement to find their own provisions, be furnished by the master or owner with provisions for the use of the crew of good quality and fit for use, and in such quantity as is required by the articles of agreement, or in default of such requirement of sufficient quantity, and every ship shall have water for the use of the crew of sufficient quantity and of good quality and fit for use.

Provisions and water to be sufficient and good. 17 & 18 Vict. c. 104. ss. 221, 222. 30 & 31 Vict. c. 124. s. 4.

Every foreign-going ship, not exempted as mentioned in this Act, and not exempted by the Board of Trade, shall be provided with a supply of medicines, medical stores, and anti-scorbutics of good quality, fit for use, and in a sufficient quantity, according to the regulations prescribed by the schedule to this Act.

The Board of Trade may grant exemptions from the above provisions relating to medicines, medical stores, and anti-scorbutics, upon such terms and conditions as they think fit, and may impose penalties not exceeding twenty pounds for the breach of such conditions.

204. Any three or more of the crew of any ship to which the enactments of this Act respecting provisions, water, medicine, medical stores, and anti-scorbutics applies, may at any time complain to any officer in command of any of Her Majesty's ships, to any superintendent of a mercantile marine office, to any British consular officer, or to any chief officer of customs, that the said enactment is not complied with; and such officer may thereupon examine or cause to be examined the said provisions, water, medicines, medical stores, or anti-scorbutics complained of.

Surveys of provisions water, medicines, &c.

If on such examination the complaint proves to be well founded, the person making the examination shall give to the master of the ship notice in writing stating the defect complained of, and requiring him to remedy the same, and to abstain from using anything which has so proved to be of bad quality or unfit for use; and if the master fail to comply with such notice he shall be liable to a penalty not exceeding *twenty* pounds.

If the complaint is not well founded, each of the complainants shall be liable to forfeit to the owner out of his wages such sum not exceeding one week's wages as the officer making or causing examination to be made directs.

In every examination under this section the officer making or causing the same to be made shall enter a statement of the result thereof in the official log of the ship, and shall send a report thereof

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to the Board of Trade; and such report, if produced out of the custody of the Board or their officers, shall be admissible as evidence of the matter therein stated.

Allowance for short or bad provisions. 17 & 18 Vict. c. 104. s. 223.

205. In the following cases, (that is to say,)

(1.) If during a voyage the allowance of any of the provisions which any seaman has by his agreement stipulated for is reduced (except in accordance with any regulations for reduction by way of punishment contained in the agreement, and also except for any time during which such seaman wilfully and without sufficient cause refuses or neglects to perform his duty, or is lawfully under confinement for misconduct either on board or on shore);

(2.) If it is shown that any of such provisions are or have during the voyage been bad in quality and unfit for use;

(3.) If the anti-scorbutics are not served out to any seaman in accordance with the provisions of this Act,

The seaman shall receive, by way of compensation for such reduction, bad quality, or non-service, as the case may be, according to the continuation thereof, the following sums, to be paid to him in addition to and to be recoverable as wages; (that is to say,)

(1.) If his allowance is reduced by any quantity not exceeding one third of the quantity specified in the agreement, a sum not exceeding fourpence a day:

(2.) If his allowance is reduced by more than one third of such quantity, eightpence a day:

(3.) In respect of such bad quality as aforesaid, a sum not exceeding one shilling a day:

(4.) For every day on which the anti-scorbutics are not served out, a sum not exceeding one shilling a day:

But if it is shown to the satisfaction of the court before which the case is tried that any provisions or anti-scorbutics the allowance of which has been reduced could not be procured or supplied in proper quantities, and that proper and equivalent substitutes were supplied in lieu thereof, the court shall take such circumstances into consideration, and shall modify or refuse compensation as the justice of the case may require.

Regulations respecting medicines, anti-scorbutics, &c. 30 & 31 Vict. c. 124. s. 4.

206. In the case of every foreign-going ship, not exempted as provided by this Act, or by the Board of Trade, as above provided, the regulations contained in the sixth schedule to this Act with respect to medicines, medical stores, anti-scorbuties, and books of instructions, shall be observed in the same manner as if they were enacted in the body of this Act; and if any such regulations are not observed,

in the case of any such ship, the owner and master of such ship shall each be liable for each default to a penalty not exceeding twenty pounds, unless he can prove that such default was not caused through any intentional neglect or wilful default on his part; and if it is proved that some person, other than the master or owner, is in default, such other person shall be liable to a penalty not exceeding *twenty* pounds.

Sale of medicines, &c. of bad quality. 30 & 31 Vict. c. 124. s. 5.

207. The Act of the session of the twenty-third and twenty-fourth years of the reign of Her present Majesty, chapter eighty-four, intituled "An Act for preventing the adulteration of articles of food or drink," shall extend to all medicines, medical stores, and anti-scorbutics required to be provided in pursuance of the said regulations, in the same manner as if they were included in the said Act under the term articles of food and drink; and any such medicines, medical stores, or anti-scorbutics which are of bad quality shall be deemed to be not pure within the meaning of that Act.

Power to governors, &c. to make regulations as to supply of lime or lemon juice, &c. 30 & 31 Vict. c. 124. s. 6.

208. In any British possession the governor or officer administering the government for the time being shall, subject to the laws of such possession, have power to make regulations concerning the supply within such possession of anti-scorbutics for the use of ships; and any anti-scorbutics duly supplied in accordance with any such regulations shall be deemed to be fit and proper for the use of ships.

Masters to keep weights and measures on board. 17 & 18 Vict. c. 104. s. 225.

209. Every master shall keep on board proper weights and measures for the purpose of determining the quantities of the several provisions and articles served out, and shall allow the same to be used at the time of serving out such provisions, medicines, medical stores, and anti-scorbutics, and articles, in the presence of a witness whenever any dispute arises about such quantities; and in default shall for every offence incur a penalty not exceeding *ten* pounds.

Expenses of medical attendance in case of illness. 17 & 18 Vict. c. 104. s. 228. 30 & 31 Vict. c. 124. s. 7.

210. With respect to expenses of surgical and medical advice, attendance, and medicines, and other expenses attendant on the illness, injury, and death of any master, seaman, or apprentice to the sea service, the following provisions shall have effect; that is to say,—

(1.) If the master or any seaman or apprentice receives any hurt or injury in the service of the ship to which he belongs, such expenses, and also the expenses of necessary clothing and of his subsistence until he is cured, or dies, or is brought back to the port at which he was shipped, and of

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his conveyance to such port, and the expense (if any) of his burial, shall be defrayed by the owner of such ship, without any deduction on that account from the wages of such master, seaman, or apprentice:

(2.) If the master or any seaman or apprentice is on account of any illness temporarily removed from his ship for the purpose of preventing infection, or otherwise for the convenience of the ship, and subsequently returns to his duty, the said expenses, and also the expense of such removal and of his subsistence while away from the ship, shall be defrayed in like manner:

(3.) If any seaman or apprentice who is ill has, through the neglect of the master or owner of the ship, not been provided with proper provisions and water according to his agreement, or with such medicines, medical stores, or anti-scorbutics, or such accommodation as are required by this Act, the said expenses, not exceeding in the whole three months wages, shall, unless it can be proved that such illness has been produced by other causes, be defrayed in like manner, or by the master of the ship if he was in default; but this provision shall not affect any further liability of the master or owner for such neglect or any other remedies possessed by such seaman or apprentice:

(4.) The expense of all medicines and surgical or medical advice and attendance given to any master, seaman, or apprentice whilst on board his ship shall be defrayed in like manner:

(5.) In all other cases any reasonable expenses duly incurred by the owner for any seaman in respect of illness, and also any reasonable expenses duly incurred by the owner in respect of the burial of any seaman or apprentice who dies whilst on service, shall, if duly proved, be deducted from the wages of such seaman or apprentice.

Recovery of expenses from owner. 17 & 18 Vict. c. 104. s. 229. 30 & 31 Vict. c. 124. s. 7.

211. If any of such expenses in respect of the illness, injury, or death of any seaman or apprentice as are to be paid by the master or owner are paid by any consular officer or other person on behalf of Her Majesty, or by any parochial or other local authority, or if any other expenses in respect of the illness, injury, or death of any seaman or apprentice whose wages are not accounted for to such officer under the provisions in this Act contained in that behalf are so paid, such expenses shall be repaid to such officer or other person or authority by the master of the ship, and if not so repaid the amount thereof, with costs, shall be a charge upon the ship, and be

recoverable from the said master, or from the owner of the ship in the case of such consular officer or other person, in the same manner as the expenses of the relief of distressed seamen are recoverable under this Act, and in the case of such authority, as a debt due to such authority, and as wages due to seamen may be recovered; and in any proceeding for the recovery thereof the production of a certificate of the facts, signed by such officer or other person, together with such vouchers (if any) as the case requires, shall be sufficient proof that the said expenses were duly paid by such consular officer or other person or authority as aforesaid.

Certain ships to carry medical practitioners. 17 & 18 Vict. c. 104. s. 230.

212. Every foreign-going ship, unless exempted by the Board of Trade, having one hundred persons or upwards on board, shall carry on board as part of her complement some duly authorized medical practitioner; and in default the owner shall for every voyage of any such ship made without such medical practitioner incur a penalty not exceeding *one hundred* pounds: Provided that nothing in this section shall extend to any passenger ship within the meaning of the Passengers Act, 1855.

Accommodation for seamen. 30 & 31 Vict. c. 124. s. 9.

213. Due accommodation for seamen and apprentices to the sea service shall be provided in every ship in accordance with the regulations contained in the seventh schedule to this Act; but Her Majesty may from time to time by Order in Council alter such regulations or any of them, provided that in any alteration of such regulations the space appropriated for each seaman and apprentice shall be as nearly as may be the space fixed by the said schedule. If any regulations for the time being in force under this section are not complied with in the case of any ship, the owner of such ship shall be liable to a penalty not exceeding *twenty* pounds for each offence.

The master of the ship shall cause such space to be kept free from stores or goods of any kind not being the personal property of the crew in use during the voyage, and in default shall be liable to a penalty not exceeding *twenty* pounds.

Governors of British possessions may appoint surveyors. 31 & 32 Vict. c. 129. s. 3.

214. The governor of any British possession may from time to time appoint surveyors, who shall have and may exercise within such possession all the powers with respect to the inspection of crew spaces that are conferred by this Act with respect thereto upon surveyors appointed by the Board of Trade.

Protection of Seamen from Imposition.

Sale of salvage invalid. 17 & 18 Vict. c. 104. s. 233.

215. No assignment or sale of salvage payable to any seaman or apprentice to the sea service shall bind the person making the

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same; and no power of attorney or authority for the receipt of any such salvage shall be irrevocable.

Protection of Seamen from Imposition.

No debt exceeding 5*s.* recoverable till end of voyage. 17 & 18 Vict. c. 104. s. 234.

216. No debt exceeding in amount *five shillings* incurred by any seaman after he is engaged to serve shall be recoverable until the service agreed for is concluded.

Penalty for overcharges by lodging-house keepers. *Ib.*, s. 235.

217. If any person demands or receives from any seaman or apprentice to the sea service payment in respect of his board or lodging in the house of such person for a longer period than such seaman or apprentice has actually resided or boarded therein, he shall incur a penalty not exceeding ten pounds.

Penalty for detaining seamen's effects. *Ib.*, s. 236.

218. If any person receives or takes into his possession or under his control any money, documents, or effects of any seaman or apprentice to the sea service, and does not return the same or pay the value thereof, when required by such seaman or apprentice, subject to such deduction as may be justly due to him from such seaman or apprentice, or absconds therewith, he shall incur a penalty not exceeding ten pounds; and any court having summary jurisdiction may, besides inflicting such penalty, by summary order direct the amount or value of such moneys, documents, or effects, subject to such deduction as aforesaid, to be forthwith paid to such seaman or apprentice.

Penalty for detaining certificate.

219. If any person having in his possession a certificate of service granted before the commencement of this Act, or a certificate of competency of any officer certificated under this Act, or any certificate of discharge of any such officer, or of any seaman, refuse or neglect to deliver the same up to the owner of such certificate, or in the absence of such owner to the Registrar General of Seamen, or to any superintendent of a mercantile marine office, on being required so to do by such owner, or in his absence by such Registrar General or superintendent, he shall for each offence incur a penalty not exceeding ten pounds, and such penalty shall be in addition to any other penalty he may be liable to for such refusal or neglect.

Unauthorized persons not to go on board ship without permission. See 17 & 18 Vict., c. 104. s. 237.

220. It shall be lawful for any harbour authority, with the consent of the Board of Trade, to license persons to act as porters at any place within their jurisdiction, in taking luggage or effects out of ships there discharged, upon such conditions and subject to such regulations as to revocation of licence and otherwise as such harbour authority think fit.

Every person who, not being so licensed or otherwise authorized by law, and not being in Her Majesty's service, goes on board any ship without the permission of the master, shall for every such offence incur a penalty not exceeding *twenty* pounds; and the

Inquiries into Misconduct of Officers.

master may take any such person so going on board as aforesaid into custody, and deliver him up forthwith to any constable or peace officer, to be by him taken before any court having summary jurisdiction, to be dealt with according to law.

Penalty for solicitations by lodging-house keepers. 17 & 18 Vict. c. 104. s. 230.

221. If, within twenty-four hours after the arrival of any ship at any port in the United Kingdom, any person then being on board such ship solicits any seaman to become a lodger at the house of any person letting lodgings for hire, or takes out of such ship any effects of any seaman, except under the personal direction of the seaman, and with the permission of the master, he shall for every such offence incur a penalty not exceeding *five* pounds.

Inquiries into Misconduct of Officers.

Inquiry into the incompetency or misconduct of a master or officer. See 17 & 18 Vict. c. 104. ss. 241 and 438. and 25 & 26 Vict. c. 63. ss. 23 and 24.

222. If at any time it appear to the Board of Trade, with reference to any certificated officer, that is to say, any master, mate, or engineer possessing a certificate of competency, that such officer is unfit to discharge his duties, the Board of Trade may cause inquiry to be made into the conduct of such officer.

Conduct of inquiry.

223. The inquiry shall be held according to the direction of the Board of Trade at such place as the Board of Trade appoint as most convenient, by the court following, namely, the local court of Admiralty, or a court of summary jurisdiction.

The Board of Trade shall, before the commencement of the inquiry, furnish to every officer whose conduct is in question a statement of the case on which the inquiry is instituted.

Some person appointed by the Board of Trade shall undertake the management of the case, and shall render such assistance to the court as is in his power.

The officer whose conduct is in question may, if he think fit, attend, and may be sworn and examined as an ordinary witness in the case.

The court shall, upon the conclusion of the inquiry, send to the Board of Trade a report containing a full statement of the case and their opinion thereon, and such report of or extracts from the evidence as the court think fit.

The court shall have power to cancel or suspend the certificate of the officer if they find that he is by reason of incompetency, drunkenness, tyranny, or gross negligence unfit to discharge his duty.

The court may, if they think fit, require the officer to deliver up his certificate; and if any officer fail to comply with such requisition he shall incur a penalty not exceeding one hundred pounds.

The court shall hold such certificate until the conclusion of the inquiry, and shall then either restore, or cancel, or suspend the same, according to their judgment on the case.

Inquiries into Misconduct of Officers.

Restoration of certificate by Board of Trade. 17 & 18 Vict. c. 104. ss. 241, 263, and 438.

224. The Board of Trade may at any time, if it is shown to them to be just so to do, renew or restore, on such terms as they think fit, a certificate cancelled or suspended by a court of inquiry as above mentioned, or by a naval court, or by any competent authority in any British possession other than that in which the certificate was granted.

Special assessors. 17 & 18 Vict. c. 104. s. 434. 25 & 26 Vict. c. 63. s. 23.

225. Where nautical or engineering skill and knowledge are required for the purposes of any such inquiry into conduct, a judge of a superior court of Admiralty shall, at the request of the court by whom the inquiry is to be held, or of the Board of Trade, or at the request and cost of any other party to the inquiry, appoint some person or persons of nautical or engineering skill and knowledge to act as special assessor or assessors in such inquiry; and such assessor or assessors shall upon the conclusion of the case sign the report, or if he or they dissent therefrom shall signify such dissent and the reasons for the same to the said Board.

Power of court to compel attendance of witnesses, &c.

226. The court holding any such inquiry shall, for the purpose of summoning parties and witnesses, compelling their attendance, and the production of documents and the regulation of the proceedings, have the same powers as if the inquiry were a proceeding relating to some summary matter within their ordinary jurisdiction, and shall, in addition, have all the powers conferred by the Merchant Shipping Law (General Provisions Act), 1870, upon inspectors appointed by the Board of Trade.

Costs and expenses of inquiry.

227. The court holding any such inquiry may make such order with respect to the costs and expenses thereof as they may think just; and such order shall, on the application of any party entitled to the benefit of the same to any superior court or a judge thereof, be enforced by such court or judge as if the order had been made by such court or judge.

Compensation, &c. payable by Board of Trade.

228. The court holding any such inquiry may allow to any officer whose certificate has been surrendered, and has not been suspended or cancelled, a reasonable compensation for loss of time and expenses, to be paid by the Board of Trade.

The Board of Trade may also, if in any case they think fit, pay all or any part of the expenses of such inquiry, and may pay to the members of the court holding the same, and to any assessors appointed as herein-before provided, such remuneration as the Board may, with the consent of the Treasury, appoint.

Any compensation, expenses, or remuneration paid by the Board of Trade under this section shall be paid out of moneys provided by Parliament.

Offences of Seamen.

Board of Trade may suspend or cancel certificate of officer convicted of any offence. 17 & 18 Vict. c. 104. s. 242.

229. The Board of Trade may suspend or cancel the certificate of any master, mate, or engineer possessing a certificate of competency who is proved to the satisfaction of the said board to have been convicted of any ofience.

Removal of master by Admiralty Court. 17 & 18 Vict. c. 104. s. 240.

230. Any British court having Admiralty jurisdiction may remove the master of any ship within the jurisdiction of such court, if such removal is shown to the satisfaction of such court to be necessary. The removal may be made upon the application of any owner of such ship or his agent, or the consignee of the ship, or any certificated mate, or one third or more of the crew of such ship.

The court may also appoint a new master instead of the one removed; but no such appointment shall be made without the consent of the owner, agent, or consignee, if there be any within the jurisdiction of the court.

The court may also make such order and require such security in respect of the costs of the matter as the court may think fit.

Offences of Seamen.

Mutinous conduct. 11 & 12 W. 3. c. 7. s. 9. 17 & 18 Vict. c. 104. s. 243.

231. Where any seaman or any apprentice to the sea service is guilty of mutiny, that is to say, either—

(1.) Unlawfully takes any ship out of the authority of the master, or conspires or endeavours to take a ship out of the authority of the master; or

(2.) Unlawfully confines the master of his ship when on the high seas, or conspires or endeavours to confine him; or

(3.) Makes or conspires or endeavours to make a revolt on board any ship when on the high seas; or

(4.) Unlawfully combines with any of the crew to disobey lawful commands or to neglect duty, or to impede the navigation of the ship or the progress of the voyage,

he shall be deemed to be guilty of felony, and shall for each offence be liable to penal servitude for a period not exceeding years.

A seaman or apprentice who is guilty of any of the offences mentioned in this section shall also, on summary conviction, be liable to imprisonment for any period not exceeding *six* months, with or without hard labour, and to forfeit all wages due to him.

Provided that no person shall, under this section, be punished twice for the same offence.

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Offences of Seamen.

Punishment of desertion, and kindred offences.

17 & 18 Vict. c. 104. ss. 243, 246, 247, & 248.

232. Where any seaman or apprentice to the sea service is guilty of desertion or a kindred offence, that is to say,

(*a.*) Neglects or refuses, without reasonable excuse, to join his ship, or to proceed to sea in his ship; or

(*b.*) Is absent without leave from the ship or his duty at any time without sufficient reason, or at any time within twenty-four hours of the ship's sailing from any port either at the commencement or during the progress of any voyage,

he shall be liable, on summary conviction, to imprisonment for any period not exceeding *three* months, with or without hard labour, and also, at the discretion of the court, to forfeit,

(*a.*) In case of desertion, all or any part of the clothes and effects he leaves on board, and all or any part of the wages which he has then earned, and also, if such desertion takes place abroad, to forfeit all or any part of the wages he may earn in any other ship in which he may be employed until his next return to the United Kingdom, and to satisfy any excess of wages paid to any substitute engaged in his place at a higher rate of wages than the rate stipulated to be paid to him; and

(*b.*) In the case of any of the preceding offences not amounting to desertion, or not treated as such by the master, a sum not exceeding the amount of *two* days pay, and in addition for every twenty-four hours of absence either a sum not exceeding *six* days pay, or any expenses which have been properly incurred in hiring a substitute.

If any person commits an offence against the provisions of this section, the master or mate, or the owner, ship's husband, or consignee of the ship to which such person belongs, may, with or without the assistance of any constable, arrest such person, without warrant, in any place in Her Majesty's dominions, and also at any place out of Her Majesty's dominions, if the the law of such place so permits.

The person arresting the offender may, and in case the offender so requires, and it is practicable, shall, convey him before some court having cognizance of the offence, and for that purpose may detain him in custody for a period not exceeding *twenty-four* hours, or such shorter time as may be necessary.

Such person may also, if the offender does not require to be taken before the court, or if there is no such court at or near the place, at once convey the offender on board his ship.

If any such arrest appears to the court to have been made on improper or insufficient grounds, the person who makes the same or causes the same to be made shall incur a penalty not exceeding twenty pounds; but the infliction of such penalty shall be a bar to any action for false imprisonment in respect of such arrest.

In any proceeding against a seaman or apprentice under the provisions of this section, such seaman or apprentice may be sworn and examined as a witness in the case.

Any imprisonment under this section may be with or without hard labour.

Punishment for quitting ship without leave, disobedience, and assault on officers.

233. Every seaman or apprentice to the sea service who commits any of the following offences shall be liable to be punished summarily, as follows; that is to say,

(1.) If he quit the ship without leave after her arrival at her port of delivery, and before she is placed in security, he shall be liable to forfeit out of his wages a sum not exceeding *one* month's pay:

(2.) If he is guilty of wilful disobedience to any lawful command, or of gross carelessness or wilful neglect in the discharge of his duty, he shall be liable to imprisonment for any period not exceeding *four* weeks, and also, at the discretion of the court, to forfeit out of his wages a sum not exceeding *ten* days pay, and if such disobedience or neglect is continued, to imprisonment for any period not exceeding twelve weeks, and also, at the discretion of the court, to forfeit out of his wages, for every twenty-four hours continuance of such disobedience or neglect, either a sum not exceeding *six* days pay, or any expenses which have been properly incurred in hiring a substitute:

(3.) If he assault any officer of the ship he shall be liable to imprisonment for any period not exceeding *twelve* weeks, with or without hard labour, and to forfeit a sum not exceeding *one* month's pay.

In any proceeding against a seaman or apprentice under the provisions of this section, such seaman or apprentice may be sworn and examined as an ordinary witness in the case.

Any imprisonment under this section may be with or without hard labour.

Wilful damage and embezzlement by seamen.
17 & 18 Vict. c. 104. s. 243.

234. Every seaman and apprentice to the sea service who wilfully damages his ship, or embezzles or takes without permission any of her stores or cargo, or wilfully or by gross negligence wastes or damages the same, or embezzles or wilfully damages any property belonging to the crew, or passengers or other persons on board her,

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Offences of Seamen.

shall be liable to forfeit out of his wages a sum equal in amount to the loss thereby sustained, and also, at the discretion of the court, to imprisonment for any period not exceeding twelve weeks, with or without hard labour.

Liability of seaman for loss to owner caused by smuggling. 17 & 18 Vict. c. 104. s. 203.

235. Where a seaman or apprentice to the sea service belonging to any ship is convicted of any act of smuggling, whereby loss or damage is occasioned to the master or owner of such ship, he shall be liable to pay to such master or owner such a sum as is sufficient to reimburse the master or owner for such loss or damage; and the whole or a proportionate part of his wages may be retained in satisfaction or on account of such liability, without prejudice to any further remedy.

Penalty for false statement as to last ship or name. 17 & 18 Vict. c. 104. s. 255.

236. If any seaman on or before being engaged wilfully and fraudulently makes a false statement of the name of his last ship or last alleged ship, or wilfully and fraudulently makes a false statement of his own name, he shall incur a penalty not exceeding *five* pounds; and such penalty may be deducted from any wages he may earn by virtue of such engagement as aforesaid, and shall, subject to reimbursement of the loss and expenses (if any) occasioned by any desertion previous to such engagement, be paid and applied in the same manner as other penalties payable under this Act.

Entry of offences to be made in official log, and to be read over or a copy given to the offender, and his reply, if any, to be also entered. 17 & 18 Vict. c. 104. s. 244, 256.

237. Upon the commission of any offence under the provisions of this Act relating to discipline, or of any act of misconduct, for which his agreement imposes a fine, and which it is intended to punish by imposing such fine, or upon the disrating of any of the crew for incompetency, an entry thereof shall be made in the official log book, if any, and shall be signed by the master and also by the mate or one of the crew; and the offender, if still in the ship, shall before the next subsequent arrival of the ship at any port, or, if she is at the time in port, before her departure therefrom, either be furnished with a copy of such entry or have the same read over distinctly and audibly to him, and may thereupon make such reply thereto as he thinks fit; and a statement that a copy of the said entry has been so furnished, or that the same has been so read over as aforesaid, and the reply (if any) made by the offender, shall likewise be entered and signed in manner aforesaid; and in any subsequent legal proceeding the entries by this section required shall, if practicable, be produced or proved, and in default of such production or proof the court hearing the case may, at its discretion, refuse to receive evidence of the offence or misconduct.

Survey of ships alleged by seamen to

238. Whenever in any proceeding against any seaman or apprentice of any ship for an offence against the provisions of this

Act relating to desertion and offences kindred to desertion, it is alleged that such ship is by reason of unseaworthiness, overloading, improper loading, defective equipment, or for any other reason, not in a fit condition to proceed to sea, the court having cognizance of the case may, and if required by either party shall, cause such ship to be surveyed.

be unseaworthy.

For the purposes of this section, the court shall require any surveyor of the Board of Trade or any person appointed for the purpose by the Board of Trade, or in the absence of such surveyor, an impartial surveyor appointed by the court, to survey such ship, and to answer any question concerning her which the court may think fit to put. Such surveyor or other person shall survey the ship, and make his report in writing to the court, including an answer to every question put to him by the court. The court shall cause such report to be communicated to the parties, and unless it is proved to the satisfaction of the court that the opinions expressed in such report are erroneous, the court shall determine the questions before them in accordance with those opinions.

For the purposes of such survey, a surveyor shall have the powers conferred by "The Merchant Shipping Law (General Provisions Act), 1870," on inspectors appointed by the Board of Trade.

The court shall determine the sum (if any) to be paid as the expenses of survey, and such sum shall be applied, paid, and accounted for in such manner as the Board of Trade may direct.

If it is proved to the satisfaction of the court that the ship is in a fit condition to proceed to sea, the costs of the survey shall be paid by the seaman or apprentice upon whose demands, or in consequence of whose allegation, the survey was made, and may be deducted by the master or owner out of such wages, and shall be paid by him over to the Board of Trade.

If it is proved that the ship is not in a fit condition to proceed to sea, the costs of the survey shall be paid to the Board of Trade by the master or owner.

Sending on board of seaman imprisoned for breach of discipline. 17 & 18 Vict. c. 104. s. 248.

239. The court having cognizance of desertion or any kindred offence under this Act, shall, upon the application of the master or the owner or owner's agent, instead of committing the offender to prison or during such imprisonment, and notwithstanding that the termination of the period for which he was sentenced to imprisonment has not arrived, cause him to be conveyed on board his ship for the purpose of proceeding on the voyage, and may deliver him to any person for the purpose of being so conveyed, and may, in

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such case, order any costs and expenses properly incurred by or on behalf of the master or owner by reason of the offence to be paid by the offender, and, if necessary, to be deducted from any wages which he has then earned, or which by virtue of his then existing engagement he may afterwards earn.

In default of any such application, the court may, in its own discretion, cause the offender to be conveyed on board his ship, in the same manner as if such application had been made, and any master who refuses to obey the direction of the court to receive any such offender on board, shall for each offence be liable to a penalty not exceeding pounds.

Entries and certificates of desertion abroad to be copied, sent home, and admitted in evidence. 17 & 18 Vict. c. 104. s. 249.

240. In all cases of desertion from any ship in any place abroad the master shall produce the entry of such desertion in the official log book to the authority by this Act authorized to grant certificates for the discharge or leaving of seamen abroad; and such authority shall thereupon make and certify a copy of such entry.

Such copy shall be forthwith transmitted to the Registrar General of Seamen in England by such authority, if a public functionary, and if not, by the master, and shall, if required, be produced by the registrar in any legal proceeding; and such copy, if purporting to be so made and certified, and if proved to have come from the custody of the registrar, shall in any legal proceeding relating to such desertion be received as evidence of the entry therein appearing.

Facilities for proving desertion, so far as concerns forfeiture of wages. 17 & 18 Vict. c. 104. s. 250.

241. Whenever a question arises whether the wages of any seaman or apprentice are forfeited for desertion, it shall be sufficient for the person insisting on the forfeiture to show that such seaman or apprentice belonged to the ship from which he is alleged to have deserted, and that he quitted such ship before the completion of the voyage or engagement, or if such voyage was to terminate in the United Kingdom, and the ship has not returned, that he is absent from her, and that an entry of the desertion has been duly made in the official log book; and thereupon the desertion shall, so far as relates to any forfeiture of wages under the provisions relating to discipline, be deemed to be proved, unless the seaman or apprentice can produce a proper certificate of discharge, or can otherwise show to the satisfaction of the court that he had sufficient reasons for leaving his ship.

Application of forfeitures. 17 & 18 Vict. c. 104. s. 253.

242. All clothes, effects, and wages which, under this Act, are forfeited for desertion or any other offence, shall be paid and applied as follows:

1. In such mode, if any, as may be directed by any express provision of this Act:

2. In reimbursing the master or owner for any loss which he proves that he has sustained by reason of such desertion or offence:

3. In cases where the same are forfeited by the sentence of any court in such manner as such court, having regard to the provisions of this Act, may direct:

4. Subject as aforesaid the same shall be paid over to the superintendent of the mercantile marine office where the crew are discharged by the master or owner of the ship, shall be paid into the receipt of Her Majesty's Exchequer, and be carried to the Consolidated Fund.

If any master or owner neglects or refuses to pay over any such forfeiture in manner provided by this Act, he shall for each offence incur a penalty not exceeding twice the value of such forfeiture.

Questions of forfeiture may be decided in suits for wages. 17 & 18 Vict. c. 104. s. 254.

243. Any question concerning the forfeiture of or deductions from the wages of any seaman or apprentice may be determined in any proceeding lawfully instituted with respect to such wages, notwithstanding that the offence in respect of which such question arises, though by this Act made punishable by imprisonment as well as forfeiture, has not been made the subject of any criminal proceeding.

Mode of ascertaining forfeiture out of wages. 17 & 18 Vict. c. 104. s. 252.

244. In the provisions of this Act relating to the forfeiture of wages, the term "wages" shall be deemed to include any emoluments received by the seaman or apprentice in their capacity of seaman or apprentice:

Whenever any seaman contracts for wages by the voyage or by the run or by the share, and not by the month or other stated period of time, the amount of forfeiture to be incurred under this Act shall be taken to be an amount bearing the same proportion to the whole wages or share as a calendar month or other the period herein-before mentioned in fixing the amount of such forfeiture (as the case may be) bears to the whole time spent in the voyage; and if the whole time spent in the voyage does not exceed the period for which the pay is to be forfeited, the forfeiture shall extend to the whole wages or share.

Deduction from wages, and payments to superintendents, &c. of fines. 17 & 18 Vict. c. 104. s. 256.

245. Every fine imposed on any seaman for acts of misconduct for which his agreement imposes a fine shall be deducted and paid as follows; that is to say, if the offender is discharged in the United Kingdom or elsewhere, and the offence, and the entry in the log book required by this Act in respect thereof, are proved to the satisfaction of the superintendent before whom the offender is discharged, the master or owner shall deduct such fine from the wages of the offender, and pay over the same to such superintendent.

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If any master or owner neglects or refuses to pay over any such fine in manner provided by this Act, he shall for each such offence incur a penalty not exceeding six times the amount of the fine retained by him:

No act of misconduct for which any such fine as aforesaid has been inflicted and paid shall be otherwise punished under the provisions of this Act.

Penalty for enticing to desert and harbouring deserters. 17 & 18 Vict. c. 104. s. 257.

246. Every person who by any means whatever persuades or attempts to persuade any seaman or apprentice to neglect or refuse to join or proceed to sea in or to desert from his ship, or otherwise to absent himself from his duty, or who prevents or attempts to prevent any seaman or apprentice from joining or proceeding to sea in his ship, shall for each such offence in respect of each such seaman or apprentice incur a penalty not exceeding ten pounds; and every person who wilfully harbours or secretes any seaman or apprentice who has deserted from his ship, or who has wilfully neglected or refused to join or has deserted from his ship, knowing or having reason to believe such seaman or apprentice to have so done, shall for every such seaman or apprentice so harboured or secreted incur a penalty not exceeding *twenty* pounds.

Seamen whom masters of ships are compelled to convey, and persons going in ships without leave, to be subject to penalties for breach of discipline. 17 & 18 Vict. c. 104. s. 245.

247. Every seafaring person whom the master of any ship is, under the authority of this Act or of any of the Shipping Statutes, 1870, or of any other Act of Parliament, compelled to take on board and convey, and every person who goes to sea in any ship without the consent of the master or owner or other person entitled to give such consent, shall, so long as he remains in such ship, work on board such ship, to such reasonable extent as the master may require, and be subject to all the provisions of this Act with respect to discipline, and to the regulations for preserving discipline, and to the penalties and punishments for offences constituting or tending to a breach of discipline, in the same manner as if he were a member of the crew, and had signed the agreement.

Penalty for obtaining passage surreptitiously. 17 & 18 Vict. c. 104. s. 258.

248. Any person who secretes himself and goes to sea in any ship without the consent of either the owner, consignee, or master, or of a mate, or of the person in charge of such ship, or of any other person entitled to give such consent, shall be liable to a penalty not exceeding *twenty* pounds, or, in the discretion of the court, to imprisonment, with or without hard labour, for any period not exceeding *four* weeks.

Power of making Complaint.

Seamen to be allowed to go on shore to

249. Where any seaman or apprentice whilst on board any ship states to the master that he desires to make complaint to a

justice of the peace, or consular officer, or naval officer in command of any of Her Majesty's ships, against the master or any of the crew; or

Where any three or more of the crew of any ship state to the master their desire to complain of the quality or quantity of the provisions or water for the use of the crew to a justice of the peace or any such officer as aforesaid,

The said master shall, if the ship be then at a place where there is a justice or any such officer as aforesaid, so soon as the service of the ship will permit, and if the ship be not then at such a place so soon after her first arrival at such a place as the service of the ship will permit, allow such seaman or apprentice to go ashore or send him ashore, or in the case of complaint to a naval officer to the ship of such officer, in proper custody, so that he may be enabled to make such complaint, and shall, in default, incur a penalty not exceeding ten pounds.

If any such complaint be frivolous in the opinion of the person or persons by whom the same is heard, such person or persons may order the complainant to pay such sum not exceeding five pounds as he or they think expedient, and the master or owner may thereupon deduct such sum from any wages payable to the complainant, or may recover such sum in a summary way.

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Naval and Consular Courts on the High Seas and abroad.

make complaint to a justice.

17 & 18 Vict. c. 104. s. 232.

Naval and Consular Courts on the High Seas and abroad.

250. A court, in this Act called a naval court, may be summoned by any officer in command of any ship of Her Majesty, on any foreign station, or by any consular officer, in the following cases; (that is to say,)

(1.) Whenever a complaint which appears to such officer to require immediate investigation is made to him by the master of any ship, or by any engineer or seaman belonging to any such ship:

(2.) Whenever the interest of the owner or insurer of any ship or of the cargo thereof appears to such officer to require it:

(3.) Whenever any ship is wrecked or abandoned or otherwise lost at or near the place where such officer may be, or whenever the crew or part of the crew of any ship which has been wrecked, abandoned, or lost out of the United Kingdom arrives at such place.

Naval courts may be summoned for hearing complaints, and investigating wrecks on the high seas or abroad.

17 & 18 Vict. c. 104. s. 260.

251. Every such naval court shall consist of not more than five and not less than three members, of whom, if possible, one shall be an officer in the naval service of Her Majesty not below the rank of lieutenant, one a consular officer, and one a master

Constitution of such courts.

17 & 18 Vict. c. 104. s. 261.

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of a merchant ship, and the rest shall be either officers in the naval service of Her Majesty, consular officers, masters of merchant ships, or British merchants; and such court may include the naval or consular officer summoning the same, but shall not include the master, owner, or consignee of the ship to which the parties complaining or complained against may belong; and the naval or consular officer in such court, if there is only one such officer in the court, or, if there is more than one, the naval or consular officer who, according to any regulations for settling their respective ranks for the time being in force, is of the highest rank, shall be the president of such court.

Functions and powers of naval courts. 17 & 18 Vict. c. 104. s. 262.

252. Every naval court shall hear and investigate the complaint or other matter brought before them under this Act, or the cause of the wreck, abandonment, or loss, and shall do so in such manner as to give every person against whom any complaint or charge is made an opportunity of making a defence. They may, for the purpose of such hearing and investigation, summon parties and witnesses, and compel their attendance and the production of documents. They may also order any person to be removed from such court who interrupts the business of the court, or refuses to obey the lawful orders of the court; and it shall be the duty of any person to whom such order is given to obey such order, and for that purpose such person shall have the same power and authorities and be entitled to the same protection as if he were a constable in England.

Powers of such courts. 17 & 18 Vict. c. 104. s. 263.

253. Every such naval court may, after hearing and investigating the case, exercise the following powers; (that is to say,)

To remove the master.

(1.) They may, if unanimous that the safety of the ship or crew or the interest of the owner or insurer absolutely requires it, remove the master, and may appoint another person to act in his stead; but no such appointment shall be made without the consent of the consignee of the ship, if then at the place:

To cancel, &c. certificate.

(2.) They may cancel or suspend the certificate of any master, mate, or engineer, on the ground of drunkeness, tyranny, incompetency, or gross negligence, subject, nevertheless, to the renewal or restoration thereof by the Board of Trade, as mentioned in this Act:

To discharge a seaman.

(3.) They may discharge any seaman from his ship:

To forfeit wages.

(4.) They may order the wages of any seaman so discharged or any part of such wages to be forfeited, and may direct the same either to be retained by way of compensation to the owner, or to be paid into the receipt of Her Majesty's Ex-

chequer, in the same manner as other penalties and forfeitures under this Act:

(5.) They may decide any questions as to wages or fines or forfeitures arising between any of the parties to the proceedings:

To decide disputes as to wages, &c.

(6.) They may direct that all or any of the costs incurred by the master or owner or insurer of any ship in procuring the imprisonment of any seaman or apprentice in a foreign port, or in his maintenance whilst so imprisoned, shall be paid out of and deducted from the wages of such seaman or apprentice, whether then or subsequently earned:

To direct costs of imprisonment to be paid out of wages.

(7.) They may exercise the same powers with regard to persons charged before it with the commission of offences at sea or abroad as are by the Shipping Statutes Offences at Sea Act, 1870, given to British consular officers:

To send home offenders for trial.

(8.) They may hear a complaint respecting and punish any offence against this Act, if committed by the master or any of the crew of a ship, and punishable summarily, and shall for that purpose have the same powers as a court of summary jurisdiction would have if the case were tried in the United Kingdom, subject to the following conditions:

To try summarily and punish. 18 & 19 Vict. c. 91. s. 18.

(*a.*) That in cases where an offender is sentenced to imprisonment the senior naval or consular officer present at the place where the court is held shall in writing confirm the sentence and approve the place of imprisonment, whether on land or on board ship, as a proper place for the purpose; and,

(*b.*) That copies of all sentences made by any naval court summoned to hear any such complaint as aforesaid shall be sent to the commander-in-chief or senior naval officer of the station:

(9.) They may, if it appears expedient, order a survey of the ship to be made, and such survey shall accordingly be made, in the same way, and the surveyor who makes the same shall have the same powers, as if such survey had been directed by a competent court in pursuance of this Act, in the course of proceedings against a seaman or apprentice for an offence against the provisions of this Act relating to desertion and offences kindred to desertion:

(10.) They may order the costs (if any) of the proceeding before it, or any portion thereof, to be paid by any of the parties thereto, and may order any person making a frivolous or vexatious complaint to pay compensation for any loss or

To order payment of costs, &c.

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delay caused thereby; and any costs or compensation so ordered shall be paid by such person accordingly, and may be recovered in the same manner in which the wages of seamen are recoverable, or may, if the case admits, be deducted from the wages due to such person:

And all orders duly made by any such court under the powers hereby given to it shall in any subsequent legal proceedings be deemed conclusive as to the rights of the parties.

Orders to be entered in official log. 17 & 18 Vict. c. 104. s. 264.

254. All orders made by any such naval court shall, whenever practicable, be entered in the official log book of the ship to which the parties to the proceedings before it belong, and signed by the president of the court.

Report to be made of proceedings of naval courts. 17 & 18 Vict. c. 104. s. 265.

255. Every such naval court shall make a report to the Board of Trade containing the following particulars; (that is to say,)

(1.) A statement of the proceedings, with the order made by the court, and a report of the evidence:

(2.) An account of the wages of any seaman or apprentice who is discharged from his ship by such court:

(3.) If summoned in order to inquire into a case of wreck, abandonment, or loss, a statement of the opinion of the court as to the cause of such wreck, abandonment, or loss, with such remarks on the conduct of the master and crew as the circumstances require:

And every such report shall be signed by the president of the court; and every document purporting to be such a report and to be so signed as aforesaid, shall, if produced out of the custody of some officer of the Board of Trade, be deemed, unless the contrary is proved, to be such report, and shall be received as evidence of the said particulars.

Penalty for preventing complaint or obstructing investigation. 17 & 18 Vict. c. 104. s. 266.

256. Any person who wilfully and without due cause prevents or obstructs the making of any complaint to an officer empowered to summon a naval court, or the conduct of any hearing or investigation by any naval court, shall for each such offence incur a penalty not exceeding fifty pounds, or be liable to imprisonment, with or without hard labour, for any period not exceeding three months.

Official Logs.

Official logs to be kept in the prescribed form. 17 & 18 Vict. c. 104. ss. 280, 281, & 285. 25 & 26 Vict. c. 63. s. 13.

257. An official log of every foreign-going ship, not exempted as provided by this Act, shall be kept in the prescribed form.

Every entry in every official log required by this Act or by any other provision of the Merchant Shipping Law, 1870, shall be made as soon as possible after the occurrence to which it relates, and if not made on the same day as the occurrence to which it relates

Official Logs.

shall be made and dated so as to show the date of the occurrence and of the entry respecting it, and every such entry shall be signed in manner directed by this Act; and in no case shall any entry in any official log in respect of any occurrence happening previously to the arrival of the ship at her final port of discharge be made more than twenty-four hours after such arrival.

Entries required in official log. 17 & 18 Vict. c. 104. ss 282 & 285.

258. Every master of a ship in which an official log is required to be kept shall enter therein the following matters; (that is to say,)

Convictions.

(1.) Every legal conviction of any member of his crew, and the punishment inflicted:

Offences.

(2.) Every offence committed by any member of his crew for which it is intended to prosecute, or to enforce a forfeiture, or to exact a fine, together with such statement concerning the reading over such entry, and concerning the reply (if any) made to the charge, as in this Act required:

Punishments.

(3.) Every offence for which punishment is inflicted on board, and the punishment inflicted:

(4.) Every case in which any officer or seaman is disrated for incompetency:

Conduct, &c. of crew.

(5.) A statement of the conduct, character, and qualifications of each of his crew, or a statement that he declines to give an opinion on such particulars:

Illnesses and injuries.

(6.) Every case of illness or injury happening to any member of the crew, with the nature thereof, and the medical treatment adopted (if any):

Deaths.

(7.) Every case of death happening on board, and of the cause thereof:

Births.

(8.) Every birth happening on board, with the sex of the infant and the names of the parents:

Quitting ship.

(9.) The name of every seaman or apprentice who ceases to be a member of the crew, otherwise than by death, with the place, time, manner, and cause thereof:

Wages of men entering navy.

(10.) The amount of wages due to any seaman who enters Her Majesty's service during the voyage:

Wages of deceased seamen.

(11.) The wages due to any seaman or apprentice who dies during the voyage, and the gross amount of all deductions to be made therefrom:

Sale of deceased men's effects.

(12.) The sale of the effects of any seaman or apprentice who dies during the voyage, including a statement of each article sold, and of the sum received for it:

Collisions.

(13.) Every collision with any other ship, and the circumstances under which the same occurred.

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Entries how to be signed. 17 & 18 Vict. c. 104. s. 283.

259. The entries required by this Act to be made in official log books shall be signed as follows; that is to say, every such entry shall be signed by the master and by the mate or some other of the crew, and every entry of illness, injury, or death shall be also signed by the surgeon or medical practitioner on board (if any); and every entry of wages due to any seaman who enters Her Majesty's service shall be signed by the master, and by the seaman or by the officer authorized to receive the seaman into such service.

Entries to be evidence.

260. All entries made in any official log book and in manner prescribed by this Act shall be admissible as evidence of the matter so entered.

Penalties in respect of official logs. 17 & 18 Vict. c. 104. s. 285.

261. The following offences in respect of official log books shall be punishable as herein-after mentioned; (that is to say,)

(1.) If in any case an official log book is not kept in this manner hereby required, or if any entry hereby directed to be made at the time and in the manner hereby directed, the master shall for each such offence incur the specific penalty herein mentioned in respect thereof, or where there is no such specific penalty, a penalty not exceeding five pounds:

(2.) Every person who makes or procures to be made or assists in making any entry in any official log book in respect of any occurrence happening previously to the arrival of the ship at her final port of discharge more than twenty-four hours after such arrival shall for each such offence incur a penalty not exceeding thirty pounds:

(3.) Every person who wilfully destroys or mutilates or renders illegible any entry in any official log book, or who wilfully makes or procures to be made or assists in making any false or fraudulent entry or omission in any such log book, shall for each such offence be deemed guilty of a misdemeanor.

Delivery of official logs to superintendent of mercantile marine office. 17 & 18 Vict. c. 104. ss. 172, 286. 17 & 18 Vict. c. 104. s. 287.

262. The master of every ship required by this Act to keep an official log shall, upon the discharge of the crew, or, in the case of a running agreement, on the termination of the agreement, deliver to the superintendent of a mercantile marine office before whom the crew is discharged the official log book; and if default is made in such delivery the master and owner of such ship shall each be liable to a penalty not exceeding ten pounds; and no officer of customs shall clear any such ship inwards without the production of a certificate from the superintendent of such delivery.

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Local Marine Boards.

Official logs to be sent home in case of transfer of ship, and in case of loss.

263. If any ship required under this Act to keep an official log book ceases by reason of transfer of ownership or change of employment to be a ship required to keep such log book, the master or owner thereof shall, if such ship is then in the United Kingdom, within one month, and if she is elsewhere within three months, after such cessation, deliver or transmit to the superintendent of the mercantile marine office at the port to which the ship belonged the official log book (if any) duly made out to the time of such cessation; and if any ship is lost or abandoned, the master or owner thereof shall, if practicable, and as soon as possible, deliver or transmit to the superintendent of the mercantile marine office at the port to which the ship belonged the official log book (if any) duly made out to the time of such loss or abandonment: Every master and owner who fails to comply with this section shall for each offence incur a penalty not exceeding *ten* pounds.

Local Marine Boards.

Continuance of local marine boards. 17 & 18 Vict. c. 104. s. 110.

264. In every port of the United Kingdom at which there is a local marine board registered at such port there shall continue to be a local marine board for carrying into effect the provisions of this Act at such port, under the superintendence of the Board of Trade, and each local marine board shall be constituted in manner specified in the eighth schedule to this Act.

Control of Board of Trade over local marine board. 17 & 18 Vict. c. 104. ss. 119, 120, and 121.

265. Every local marine board shall make and send to the Board of Trade such reports and returns as the Board of Trade from time to time require, and all minutes, books, and documents of or used or kept by any local marine board, or any examiners, superintendents of mercantile marine offices, or other officers or servants under the control of any local marine board, shall be open to the inspection of the Board of Trade and its officers.

If any local marine board, by reason of any election not being held or of the simultaneous resignation or continued non-attendance of all or the greater part of the members, or from any other cause, fails to meet or to discharge its duties, the Board of Trade may, in their discretion, either take into their own hands the performance of the duties of the local marine board until the next triennial appointment and election thereof, or direct that a new appointment and election of such local marine board shall take place immediately.

If on complaint made to the Board of Trade it appears to them that any appointments or arrangements made by any local marine board under the powers of this Act are in any respect unsatisfactory

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or improper, the Board of Trade may annul, alter, or rectify the same, as they think expedient, having regard to the intentions of this Act and to the wants of the port.

If by reason of the transfer of the business of any mercantile marine office to the custom house of any place, or from any other cause, any local marine board cease to have duties to perform, such local marine board shall thereupon cease to exist.

Mercantile Marine Offices.

Establishment of mercantile marine offices.
17 & 18 Vict. c. 104. ss. 122, 128, and 129.

266. A mercantile marine office shall be established at every port of the United Kingdom, with the requisite buildings, property, superintendents, deputies, clerks, and servants.

Control of mercantile marine offices by Board of Trade or local marine board.
17 & 18 Vict. c. 104. ss. 122, 123, & 129.

267. In ports where there is a local marine board such board shall procure the buildings and property, appoint and remove the superintendents and officers, and have the control of mercantile marine offices, subject to the following restrictions :—

(1.) Where an office in a sailors home was appointed to be a mercantile marine office before the passing of this Act, the Board of Trade may continue such office as a mercantile marine office, and such office, and the superintendent and officers thereof, shall be appointed by and subject to the immediate control of the Board of Trade, and not of the local marine board :

(2.) The Board of Trade shall have the immediate control of every office, as far as regards the receipt and payment of money thereat, and every person appointed in any such office shall, before entering upon his duties, give such security for the due performance thereof as the Board of Trade require :

(3.) The sanction of the Board of Trade shall be necessary, so far as regards the number of persons to be appointed in the office by the local marine board, and the amount of their salaries and wages, and all other expenses :

(4.) If the Board of Trade have reason to believe that any superintendent, deputy, clerk, or servant appointed by any local marine board does not properly discharge his duties, they may cause the case to be investigated, and may, if they think fit, remove him from his office, and provide for the proper performance of his duties until another person is properly appointed in his place.

Business of mercantile marine office

268. At any port at which there is no local marine board, the Board of Trade may, with the consent of the Commissioners of

Customs, direct that the whole or any part of the business of a mercantile marine office shall be conducted at the custom house of such place.

may be carried on at custom houses. 17 & 18 Vict. c. 104, s. 128.

The custom house shall thereupon be deemed a mercantile marine office for all purposes, and any officer of customs appointed in that behalf by the Board of Trade shall be deemed a superintendent or deputy superintendent of a mercantile marine office (as the case may be) within the meaning of this Act.

Board of Trade may make bye-laws for preserving order in mercantile marine offices.

269. The Board of Trade may from time to time make byelaws for the purpose of maintaining order in and about a mercantile marine office, or any premises occupied therewith. Such byelaws shall be affixed in some conspicuous position in the mercantile marine office to which they apply, and shall come into force as soon as they are so affixed.

Fees at mercantile marine office. 17 & 18 Vict. c. 104. ss. 125, 126, 127, & 141.

270. Such fees, not exceeding *two* shillings for every man, as the Board of Trade from time to time direct, shall be payable on all engagements and discharge of seamen transacted at a mercantile marine office, and the superintendent and officers of a mercantile marine office may refuse to proceed with any business until the fees payable in respect thereof are first paid.

An owner or master of a ship who pays fees in a mercantile marine office on the engagement or discharge of any seaman may deduct one half of such fees from the wages of the seaman so engaged or discharged.

If any superintendent or deputy superintendent, clerk, or servant in any mercantile marine office demands or receives any remuneration whatever, either directly or indirectly, for transacting any business which it is his duty to transact, except lawful fees payable under this Act, he shall for every such offence be guilty of a misdemeanor, and shall also be liable to be dismissed from his office by the Board of Trade.

Business of mercantile marine office. 17 & 18 Vict. c. 104. ss. 122, 128, & 130.

271. It shall be the general business of superintendents of mercantile marine offices—

To afford facilities for engaging seamen by keeping registries of their names and characters:

To superintend and facilitate the engagement and discharge of seamen in manner in this Act provided:

To provide means for securing the presence on board at the proper times of the seamen who are so engaged:

To facilitate the making of apprenticeships to the sea service:

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Registration of and Returns respecting Seamen.

To perform such other duties relating to seamen, apprentices, and merchant ships as are by this Act, or any of the Shipping Statutes, 1870, or any Act relating to merchant shipping, committed to them, or as they may be directed from time to time to perform by the Board of Trade; and they may, for the purposes aforesaid, employ such persons as they may be authorized to employ by the Board of Trade.

Any act done before a deputy duly appointed shall have the same effect as if it were done before a superintendent of a mercantile marine office.

Board of Trade may dispense with certain matters to be done at mercantile marine offices. 17 & 18 Vict. c. 104. s. 130.

272. The Board of Trade may from time to time dispense with the giving of notices to or production of certificates to a superintendent of a mercantile marine office, and with any certificate or other matters consequent on such notice or production, and also with the transaction in a mercantile marine office, or before a superintendent thereof, of any matters required by this Act to be so transacted, and thereupon such matters shall, if otherwise duly transacted as required by law, be as valid as if they were transacted in such an office or before such a superintendent.

Registration of and Returns respecting Seamen.

Establishment of register office. 17 & 18 Vict. c. 104. s. 271.

273. There shall be in the port of London an office, to be called the "General Register and Record Office of Seamen," and the Board of Trade shall have control over the same, and may appoint and from time to time remove a Registrar General, and such assistants, clerks, and servants as may be necessary, and may from time to time, with the consent of the Treasury, regulate their salaries and allowances; and such salaries and allowances, and all other necessary expenses, shall be paid by the Treasury out of moneys provided by Parliament.

The Board of Trade may direct the business of the register office at any of the outports to be transacted at the mercantile marine office there, as part of the business of such office, and such business shall thereupon be conducted accordingly, but shall in all cases be subject to the immediate control of the Board of Trade.

Returns of masters of ships. 17 & 18 Vict. c. 104. ss. 273, 274.

274. The master of every foreign-going ship shall, upon the discharge of the crew, or, in case of a running agreement, at the expiration of the time for which the agreement was made, deliver to the superintendent or officer before whom such crew is discharged a return in the prescribed form, signed by him, and containing such particulars respecting the ship and her employment, the crew, and births and deaths on board, as are specified in the

Registration of and Returns respecting Seamen.

ninth schedule to this Act, and such other particulars as may be prescribed, and if he fail so to do shall for every default incur a penalty not exceeding *five* pounds.

A copy of every return of any birth or death on board any ship, made in pursuance of this Act, shall be provided by the Registrar General of Seamen for the time being, to the Registrar General of Births, Deaths, and Marriages in England, who shall enter a copy thereof under his hand in the marine register book.

Lists to be delivered by coasting ships half-yearly. 17 & 18 Vict. c. 104. ss. 275 and 109.

275. The master or owner of every sea-going ship, not being a foreign-going ship, shall, on the thirty-first of March, the thirtieth of June, the thirtieth of September, and the thirty-first of December in each year, or within the expiration of ten days from such dates respectively, transmit or deliver to some superintendent of a mercantile marine office in the United Kingdom a return respecting his crew for the preceding three months, in such form and containing such particulars as may be prescribed, and shall in default incur a penalty not exceeding *five* pounds.

Certificate of delivery of returns. 17 & 18 Vict. c. 104. ss. 109, 274, & 275.

276. The superintendent or other officer shall give to the master or owner a certificate of the transmission or delivery of the returns required by this Act; and no officer of customs shall in any case where such return is required clear inwards any foreign-going ship, or grant a clearance or transire for any coasting ship, without the production of such certificate, and any such officer may detain any such ship until the same is produced.

Return in case of transfer or loss of ship.

277. Where by reason of the transfer of ownership or change of employment of any ship the returns required by the provisions of this Act with respect to returns respecting seamen cease to be required in respect of such ship, or cease to be of the same description as was previously required under those provisions, the master or owner of such ship shall, within one month after such cessation, if the ship is then in the United Kingdom, and within three months after such cessation if she is elsewhere, deliver or transmit to the superintendent at the port to which the ship belonged the returns required by this Act, duly made up to the time of such cessation. If any ship is lost or abandoned, the master or owner thereof shall, if practicable, and as soon as possible, deliver or transmit to the superintendent of the mercantile marine office at the port to which the ship belonged the returns required by this Act, duly made out to the time of such loss or abandonment.

Every master or owner who fails to comply with the provisions of this section shall for each offence incur a penalty not exceeding *ten* pounds.

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Registration of and Returns respecting Seamen.

Superintendents and other officers to transmit documents to registrar. 17 & 18 Vict. c. 104. s. 277.

278. All superintendents of mercantile marine offices and officers of customs shall take charge of all documents which are delivered or transmitted to or retained by them in pursuance of this Act, and shall keep them for such time (if any) as may be necessary for the purpose of settling any business arising at the place where such documents come into their hands, or for any other proper purpose, and shall, if required, produce them for any of such purposes, and shall then transmit them to the Registrar General of Seamen, to be by him recorded and prescribed according to the prescribed regulations. The Registrar General shall, on payment of the prescribed fee (if any), allow any person to inspect such documents, and make and deliver to any person requiring it a certified copy of any such document or of any part thereof. Every copy purporting to be so made and certified shall be received in evidence, and shall have all the effect of the original of which it purports to be a copy.

Agreements, indentures, and assignments, on arrival at a foreign port, to be deposited with the consul, and at a colony with the officers of customs. 17 & 18 Vict. c. 104. s. 279. 25 & 26 Vict. c. 63. s. 13.

279. The following rules shall be observed with respect to the delivery of documents to British consular officers in the case of ships not exempted as provided by this Act; (that is to say,)

(1.) Whenever any ship (except ships whose business for the time being is to carry passengers) arrives at any port out of Her Majesty's dominions where there is a British consular officer, or at any port in any British possession other than the one in which the ship is registered, and remains thereat for forty-eight hours, the master shall, within forty-eight hours of the ship's arrival, deliver to such officer the agreement with the crew, and also all indentures and assignments of apprenticeships, or, in the case of a ship registered in a British possession, such of the said documents as such ship is provided with:

(2.) Such officer shall keep the documents during the ship's stay in such port, and, in cases where any indorsements upon the agreement are required by this Act, shall duly make the same, and shall return the said documents to the master a reasonable time before his departure, with a certificate indorsed on the agreement, stating when the same were respectively delivered and returned:

(3.) If it appears that the required forms have been neglected, or that the existing laws have been transgressed, such officer shall make an indorsement to that effect on the agreement, and forthwith transmit a copy of such indorsement, with the fullest information he can collect regarding such neglect or transgression, to the Registrar General of Seamen:

And if the master of any ship fail to deliver any such document as aforesaid, he shall for every such default incur a penalty not exceeding twenty pounds; and in any prosecution for such penalty it shall lie upon the master either to produce the certificate required by this section, or to prove that he duly obtained the same, or that it was impracticable for him so to do.

On change of masters, documents hereby required to be handed over to successor. 17 & 18 Vict. c. 104. s. 259.

280. If during the progress of a voyage the master is removed, superseded, or for any other reason quits the ship, and is succeeded in the command by some other person, he shall deliver to his successor the various documents relating to the navigation of the ship and to the crew thereof which are in his custody, and shall in default incur a penalty not exceeding one hundred pounds; and such successor shall immediately on assuming the command of the ship enter in the official log a list of the documents so delivered to him.

Fees.

Fees to be to carried to Mercantile Marine Fund.

281. All fees authorized to be taken under this Act shall be carried to the Mercantile Marine Fund; and all expenses incurred by the Board of Trade with respect to examinations, Local Marine Boards, Mercantile Marine Offices, and surveyors shall be paid out of the said Mercantile Marine Fund.

Forgery and False Declarations.

Forgery of documents as to seamen's wages and savings banks. 17 & 18 Vict. c. 104. s. 203.

282. Any person who forges or fraudulently alters or knowingly makes any false entry in or omission from any money order or allotment note, or any document purporting to show or assist in showing the right or interest of any person to or in any money deposited in a seaman's savings bank established under this Act, or to or in any wages or effects of any seaman or apprentice to the sea-service, whether alive or dead, and any person who knowingly utters or uses any such document which has been forged or fraudulently altered, or in or from which such false entry or omission has been made, or assists in committing or procures to be committed any of the offences mentioned in this section,

shall be guilty of felony, and be liable, at the discretion of the court before which he is convicted, to penal servitude for a term not exceeding seven years, or to imprisonment for any term not exceeding *two* years, with or without hard labour, or if prosecuted and convicted before a court of summary jurisdiction to imprisonment for a period not exceeding *six* months, with or without hard labour.

Forgery and false Declarations.

Forgery of documents and marks. 17 & 18 Vict. c. 104. ss. 11. 10. 104. 140. 176. 220. 284.

283. Any person who forges or fraudulently alters or knowingly makes any false entry in or omission from any of the following documents:—

(1.) Any certificate of competency under this Act, or any official copy of such certificate:

(2.) Any agreement registered under this Act:

(3.) Any certificate or report of the service, qualifications, conduct or character of any seaman:

(4.) Any document used in making or supporting any application to the Registrar of the High Court of Admiralty with reference to the wages of seamen volunteering into the Royal Navy:

(5.) Any official log book:

(6.) Any form issued by the Board of Trade under this Act, or any seal or other distinguishing mark affixed to such form;

Certificates of competency. Seamen's agreements. Certificate of character. Documents connected with wages of seamen volunteering into the Navy. Log book.

And any person who knowingly utters or uses any such document or mark which has been forged or fraudulently altered, or any such document in or from which such false entry or omission has been made, or assists in committing or procures to be committed any of the offences mentioned in this section,

shall be guilty of a misdemeanor.

False declaration. 17 & 18 Vict. c. 104. ss. 203–220.

284. Where any person—

(1.) For the purpose of obtaining for himself or any other person a certificate of competency under this Act, or employment as a certificated officer:

(2.) For the purpose of obtaining for himself or any other person any money deposited in a seamen's savings bank established under this Act, or any wages or effects of any seaman or apprentice to the sea service either alive or dead:

(3.) For the purpose of obtaining any certificate or report of the service, qualification, conduct or character of any seaman, or a copy thereof:

(4.) On the occasion of making or supporting any application to the Registrar of the High Court of Admiralty in any matter connected with the volunteering of seamen into the Royal Navy,

commits any of the following offences; that is to say,

(1.) Makes any declaration, representation, or statement, or gives any evidence which is false in any particular:

(2.) Utters, produces, or makes use of any such false declaration, representation, statement, or evidence, or any document containing the same:

(3.) Assists in committing or procures to be committed any of the offences mentioned in this section,—

he shall, unless he proves that he did not know of the falsity of such particular, and that he could not with reasonable diligence have obtained such knowledge, or that his intent was not fraudulent, be guilty of a misdemeanor.

Forms and Instruments.

Board of Trade to issue forms of instruments. 17 & 18 Vict. c. 104. ss. 8. & 10.

285. The Board of Trade may from time to time issue forms of books, instruments, and papers requisite under this Act, giving public notice thereof, and shall cause every such form to be sealed with the seal of the Board, or to be marked with some other distinguishing mark, and to be supplied at the custom houses and mercantile marine offices of the United Kingdom free of charge, or at a moderate charge from time to time fixed by the Board of Trade, or they may license persons to print and sell or to sell the same; and every book, instrument, and paper required by this Act to be in a form sanctioned by the Board of Trade shall be made in such form; and no book, instrument, or paper for which a form has been so sanctioned shall, unless made in that form, be admissible in evidence on behalf of an owner or master of a ship in any civil proceeding; and every book, instrument, or paper made in a form purporting to be sealed with the seal of the Board of Trade, or to be otherwise marked as aforesaid, shall be deemed to be made in the form required by this Act, unless the contrary is shown.

Every person who in any case in which a form sanctioned by the Board of Trade is by this Act required to be used uses without reasonable excuse any form not so sanctioned, or who knowingly prints, sells, or uses any document purporting to be a form so sanctioned, prepared, or issued, which has not been so sanctioned, prepared, or issued by the Board of Trade, shall for each such offence incur a penalty not exceeding ten pounds.

Returns and production of books, &c. to Board of Trade. 17 & 18 Vict. c. 104. s. 12.

286. All British consular officers, officers of customs, local marine boards, and superintendents of mercantile marine offices, shall make and send to the Board of Trade such returns or reports on matters relating to British merchant shipping or seamen as the Board from time to time require; and superintendents of mercantile marine offices shall, whenever required by the Board of Trade, produce to them or their officers all books and documents in their custody as such superintendents.

Penalty on false declarations made with respect to Naval Reserve.

287. Any person who wilfully makes any false declaration for the purpose of obtaining entry into or discharge from the Royal Naval Volunteers, or for the purpose of obtaining any payment, allowance, pension, privilege, or advantage to which volunteers or persons who have served as volunteers are entitled, under the Act of the session of the twenty-second and twenty-third years of the

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reign of Her present Majesty, chapter forty, intituled "An Act for "the establishment of a Reserve Volunteer force of Seamen, and "for the government of the same," shall be liable to a penalty for each offence not exceeding twenty pounds.

Power of Officers to inspect Ship's Documents, &c.

Miscellaneous.

Power of Officers to inspect Ship's Documents, &c.

Power for officers of Board of Trade, naval officers, consuls, &c. to inspect documents, muster crews, &c. 17 & 18 Vict. c. 104. s. 13.

288. Every officer of the Board of Trade, every commissioned officer of any of Her Majesty's ships on full pay, every consular officer, the Registrar General of Seamen and his assistant, every chief officer of customs in any place in the British dominions, and every superintendent of a mercantile marine office, where he suspects that this Act or any law for the time being in force relating to merchant shipping or seamen, or to navigation, is not complied with, may exercise the following powers or any of them:

He may require the master to produce the certificate of registry or other national papers of the ship, and may inspect and take copies thereof or of any parts thereof:

He may require the owner or master or any member of the crew of any British ship to produce any official log books, agreements, or documents relating to such crew, or to any member thereof, and may inspect such official log books or documents, and may take copies thereof or of any part thereof:

He may require any such master to produce a list of all persons on board his ship:

He may muster the crew of any such ship:

He may summon the master of any such ship to appear and give any explanation concerning her or her crew, or concerning her certificate of registry or national papers, or concerning such official log books, agreements, or documents:

And if on any such requisition any owner or master, or any member of a crew, without reasonable excuse (proof whereof shall lie on him), does not produce any such certificate of registry, national papers, official log book or document, or allow the same to be inspected or copied, or produce a list of persons on board the ship, or prevents or impedes any such muster, or does not appear, or does not give any such explanation, or misleads or deceives any person authorized by this Act to require any such explanation, he shall for every such offence be liable to a penalty not exceeding twenty pounds.

Miscellaneous.

Officers to perform duties in British possessions.

289. Where, under this Act, any duties are imposed on, or matters required to be transacted before any officer in any British possession, it shall be lawful for Her Majesty by order in Council to declare what description of persons shall be the officer by and before whom such duties are to be performed and such transactions

to be done, and such officer shall perform the same duties and have the same power as if he were mentioned in the principal Act. *Application of Act.*

290. The municipal corporation of any borough, being a seaport in the United Kingdom, and any body corporate, association, or trustees in any such seaport, existing or constituted for any public purposes relating to the government or benefit of persons engaged in the British merchant service, or to the management of docks and harbours, or for any other public purposes connected with shipping or navigation, may, with the consent of one of Her Majesty's Principal Secretaries of State, appropriate any lands vested in them or in trustees for them as a site or sites for a sailors home or sailors homes, and may for that purpose either retain and apply the same accordingly, or convey the same to trustees, with such powers for appointing new trustees and continuing the trust as they think fit. Corporations, &c. may grant site for sailors homes. 17 & 18 Vict. c. 104. s. 546.

291. The following instruments shall be exempt from stamp duty:
Instruments used by or under the direction of the Board of Trade in executing this Act:
Instruments by this Act required to be made in forms approved by the Board of Trade, if made in such forms. Exemption from stamp duty. 17 & 11 Vict. c. 104. s. 9.

Application of Act.

292. The following ships, that is to say—
(1.) Ships exclusively employed in fishing on the coasts of the United Kingdom;
(2.) Ships belonging to any of the three general lighthouse boards;
(3.) Pleasure yachts,
shall be exempt from the provisions of this Act with respect to certificates of competency, agreements with seamen, the discharge and payment of seamen, official logs, and delivery of documents to consular officers. Exemption of certain ships.

293. The master or owner of any ship exempted from the provisions of this Act relating to the engagement of and agreement with seamen or any of them, and of any foreign ship, may, under the provisions of this section, engage, discharge, and pay the wages of crews and single seamen in the presence of a superintendent of a mercantile marine office, and in accordance with the provisions of this Act, in the same manner as if such ship were a foreign-going ship. Engagement of seamen by exempted vessels.

294. This Act shall not, except as is therein expressly provided, apply to ships belonging to Her Majesty, but shall apply to all other British ships; provided that, notwithstanding anything in Exemption of Her Majesty's ships. 17 & 18 Vict. c. 104. s. 4.

Application of Act to Foreign Ships.

Saving of a jurisdiction of a British possession.

this section or in the Merchant Shipping Code (General Provisions Act) contained, ships registered in any British possession, and their owners, masters, and crews, when such ships are within the jurisdiction of the government of such possession, shall not, unless the context otherwise requires, be subject to the regulations contained in this Act.

Application of Act to British possession by legislature. 17 & 18 Vict. c. 104. ss. 288, 289.

295. If the legislature of any British possession, by any Act or Ordinance, applies or adapts to any ships registered at any place within their jurisdiction, and to the owners, masters, mates, and crews of such ships, any of the provisions of this Act which do not otherwise so apply, such provisions, when and so long as they are so applied and adapted, shall, in respect of the ships and persons to which the same are applied, be enforced, and penalties and punishments for the breach thereof shall be recovered and inflicted, throughout Her Majesty's dominions, in the same manner as if such provisions had been by this Act so adopted and applied, and such penalties and punishments had been by this Act expressly imposed: Provided that every such Act or Ordinance shall be of no effect under this section unless it be reserved for the signification of Her Majesty's pleasure thereon, or contain a suspending clause, providing that such Act or Ordinance shall not come into operation until Her Majesty's pleasure thereon has been publicly signified in the British possession in which it has been passed.

Conflict of law. 17 & 18 Vict. c. 104. s. 290.

296. If in any matter relating to any ship, or to any person belonging to any ship, there appears to be a conflict of laws, then, if there is in this Act any provision on the subject which is expressly made to extend to such ship, the case shall be governed by such provision, and if there is no such provision the case shall be governed by the law of the place in which such ship is registered.

Application of Act to Foreign Ships.

Her Majesty may, by Order in Council, apply this part to foreign vessels.

297. Where any arrangement has been made between Her Majesty and any foreign state, authorizing the application to the ships of such state of the whole or any portion of this Act not otherwise applying to foreign ships, it shall be lawful for Her Majesty, by Order in Council, to declare that such of the provisions contained in this Act as are in such order specified shall, subject to the limitations, if any, contained in the order, apply, and thereupon, so long as the order remain in force, they shall apply, subject to the said limitations, to the ships of such state, and to the owners, masters, officers, and crews of such ships, when not within the jurisdiction of such state, in the same manner in all respects as if such ships were British ships.

FIRST SCHEDULE.

TABLE OF MAXIMUM FEES TO BE PAID BY APPLICANTS FOR EXAMINATION.

For Certificates as Masters and Mates of foreign-going Ships.

	£	s.	d.
Master	2	0	0
Second Mate	1	0	0
First or only mate, if previously possessing an inferior certificate	0	10	0
First or only mate, if not previously possessing an inferior certificate	1	0	0
Examination in steam	2	0	0

For Certificates as Masters and Mates of Coasting Passenger Ships.

	£	s.	d.
Master	1	0	0
Mate	0	10	0
Examination in steam	2	0	0

For Certificates as Engineers.

	£	s.	d.
First class engineer's certificate (whether extra or ordinary)	2	0	0
Second-class engineer's certificate	1	0	0
For first-class engineer's certificate, if already in possession of a second-class certificate	1	0	0

SECOND SCHEDULE.

Regulations as to Seamen's Agreements.

(1.) Every such agreement shall be in a form and shall be executed in manner approved by the Board of Trade, and shall be dated at the time of the first signature thereof, and shall be signed by the master before any seaman signs the same; and

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(2.) Every such agreement shall contain the following particulars as terms thereof:

1. The nature, and, as for as practicable, the duration of the intended voyage or engagement:
2. The number and description of the crew, specifying how many are engaged as sailors:
3. The time at which each seaman is to be on board to begin work:
4. The capacity in which each seaman is to serve:
5. The amount of wages which each seaman is to receive:
6. A scale of the provisions which are to be furnished to each seaman:
7. Any regulations as to conduct on board, and as to fines, short allowance of provisions, or other lawful punishment for misconduct which have been approved by the Board of Trade as regulations proper to be adopted, and which the parties agree to adopt.

(3.) And every such agreement shall be so framed as to admit of stipulations, to be adopted at the will of the master and seaman in each case, as to allotment of wages, and may contain any other stipulations that are not contrary to law.

(4.) If the master of any ship registered in any British possession has an agreement with his crew made in due form according to the law of the possession to which such ship belongs, or in which her crew were engaged, and engages single seamen in the United Kingdom, such seamen may sign the agreement so made, and it shall not be necessary for them to sign an agreement in the form approved by the Board of Trade.

(5.) The superintendent shall cause the agreement to be read over and explained to each seaman, or otherwise ascertain that each seaman understands the same before he signs it, and shall attest each signature.

(6.) When the crew is first engaged the agreement shall be signed in duplicate, and one part shall be retained by the superintendent, and the other shall be delivered to the master.

(7.) In the case of substitutes engaged in the place of seamen who duly signed the agreement, and whose services are within twenty-four hours of the ship's putting to sea lost by death, desertion, or other unforeseen cause, the engagement shall, when practicable, be made before a superintendent of a mercantile marine office, and when that is not practicable the master shall before the ship puts to sea, if practicable, and if not as soon afterwards as possible, cause the agreement to be read over and explained to the seamen in the presence of a witness, and the seamen shall thereupon sign the same in the presence of such witness, who shall attest their signatures.

(8.) Where two or more ships belong to the same owner, the agreement with the seamen may, notwithstanding anything in this Act, be made by the owner instead of by the master; and the seamen with whom the agreement is made may be engaged to serve in any two or more of such ships, if the names of the ships and the nature of the service be specified in the agreement; but in all other respects such agreement shall be subject to the provisions contained in this Act relating to ordinary agreements for service.

(9.) Crews or single seamen may, if the master think fit, be engaged for coasting ships, and for ships exempted from the provisions of this Act respecting agreements with seamen, in the same manner as they may be engaged for foreign-going ships. A.D. 1870.

Regulations respecting Running Agreements.

1. Running agreements with the crew of any ship may be made to extend over two or more voyages, so that no such agreement extend beyond a period of twelve months from the date thereof, or beyond the first arrival of the ship at her port of destination after that date, or the discharge of cargo consequent on such arrival.

2. Every person entering into such agreement, whether engaged on the first commencement thereof or otherwise, shall enter into and sign the same in manner by this Act required for foreign-going ships.

3. Every person engaged under such agreement, if discharged in the United Kingdom, shall be discharged in the manner by this Act required for the discharge of seamen belonging to foreign-going ships.

4. The duplicate agreement retained by the superintendent on the first engagement of the crew shall be transmitted to the Registrar General of Seamen immediately.

THIRD SCHEDULE.

Regulations as to Lascars.

1. An agreement with a lascar may bind him to proceed to any port in the United Kingdom or in any British possession, either as a seaman or as a passenger, and there to enter into a further agreement to serve as a seaman in any ship which may happen to be there, and to be bound to any port in Her Majesty's dominions.

2. The original agreement in any such case shall be made in such form, and shall contain such provisions, and shall be executed in such manner, and contain such conditions for securing the return of the lascar to his own country, and for other purposes, as the Governor General of India in Council or the Governor in Council of the Presidency in which the original agreement is made may direct.

3. Where any lascar bound by such agreement is on arriving at any of the said ports registered to enter into such further agreement as aforesaid, then, if such certificate as herein-after mentioned is obtained, such lascar shall be deemed to be engaged under such further agreement, and to be for all purposes one of the crew of the ship.

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4. Such certificate shall be given by some officer appointed for the purpose in the United Kingdom by one of Her Majesty's Principal Secretaries of State, and in a British possession by the governor of such possession.

5. Such certificate shall state,—

(*a.*) That such further agreement is a proper agreement in all respects for the lascar to make, and is in accordance with the original agreement;

(*b.*) That the ship to which the further agreement relates is in all respects a proper ship for the lascar to serve in; and

(*c.*) That there is not any objection to the full performance of the original agreement.

6. The person applying for any such certificate shall pay to the officer giving the same such fee as the appointer of such officer may direct, not exceeding ten shillings.

7. Subject to the foregoing regulations, the provisions of this Act relating to the engagement of and agreements with seamen shall apply to engagement of and agreement with a lascar.

8. In these regulations the term "lascar" includes every native of Her Majesty's dominions in India.

FOURTH SCHEDULE.

Regulations as to Wages and Effects of deceased Seamen.

Wages and effects of deceased seamen.

1. The master shall enter in the official log book the following particulars:

(*a.*) A statement of the amount of money, and a description of the clothes and effects left by the deceased on board:

(*b.*) In case of a sale, a description of each article sold, and the sum received for each:

(*c.*) All deductions (if any) to be made from the wages of the deceased.

Such entry shall be signed by the master and by the mate, and some other member of the crew.

2. No deduction claimed by the master shall be allowed unless verified by an entry in the official log book, made and attested as required by this Act, and also by such other vouchers (if any) as may be reasonably required by the Board of Trade, or by the superintendent or officer to whom the account is rendered.

3. The master shall render an account, in such form as the Board of Trade from time to time require, of the effects, money, and wages to be delivered and paid by such master.

4. Where the ship touches and remains for forty-eight hours at some foreign port, or at some port in a British possession, before coming to any port in the United Kingdom, the master shall report the case to the British consular officer at such foreign port, or to the officer of customs in such British possession, and shall give to such officer any information the officer requires as to the destination of the ship and probable length of the voyage.

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Wages and effects of deceased seamen.

5. Such officer may, if he thinks it expedient so to do, require the property to be delivered and paid to him, and shall, upon such delivery and payment, give to the master a receipt thereof, and endorse under his hand upon the agreement with the crew such particulars with respect to such delivery and payment as the Board of Trade require.

6. Such receipt shall be delivered by the master to a superintendent of a mercantile marine office within forty-eight hours after his arrival at his port of destination in the United Kingdom.

7. Where the ship proceeds at once to any port in the United Kingdom without touching and remaining at some other port as aforesaid, or where the consular officer or officer of customs does not require the delivery of the property, the master shall, within forty-eight hours after his arrival in the United Kingdom, deliver and pay the property to a superintendent of a mercantile marine office, at the port to which he so proceeds.

8. The master shall render such account, and in such form, of the property, and shall accompany the same with such vouchers, as the Board of Trade from time to time require.

9. Chief officers of customs in British possessions and British consular officers may sell any effects of a deceased seaman or apprentice or any part thereof, if they think fit.

10. Every such officer shall from time to time, as the Board of Trade direct, remit to Her Majesty's Paymaster General so much of any property of a deceased seaman or apprentice as consists of money, and shall send to the Board of Trade such part thereof as does not consist of money, and shall render such account in respect of such property, whether money or not, as the Board of Trade require. All property so remitted and sent shall be deemed to be received by the Board of Trade.

11. The regulations respecting entries in official log books shall not extend to the case of any ship in which an official log book is not required by this Act to be kept.

FIFTH SCHEDULE.

Regulations with regard to the Wages of Seamen received into Her Majesty's Service.

Wages of seamen volunteering into navy.

1. Where the seaman's wages are paid in money, the money shall be credited in the muster book of the ship to the account of the seaman; and where such wages are paid by bill, the bill shall be noted in the ship's muster book, and shall be sent to the said Accountant General, who shall present the same or cause the same to be presented for payment, and shall credit the produce thereof to the account of the said seaman.

2. No officer who receives any such bill shall be subject to any liability in respect thereof, except for the safe custody thereof until sent to the Accountant General as aforesaid.

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Wages of seamen in Her Majesty's service.

3. If any such bill be not duly paid when presented, the said Accountant General, or the seaman on whose behalf the same is given, may sue thereon, or may recover the wages due by all or any of the means by which wages due to merchant seamen are recoverable.

4. The wages of a seaman shall not be paid to him until the time at which he would have been entitled to receive the same if he had remained in the service of the ship which he quits for the purpose of entering Her Majesty's service.

Repayment to owner of advance paid and not duly earned. 17 & 18 Vict. c. 104. s. 21.

5. Where a seaman leaves his ship for the purpose of entering the naval service of Her Majesty, and the owner or master of such ship has paid or rendered himself liable to pay an advance of wages to or on account of such seaman, if the owner or master show to the satisfaction of the Admiralty that he has paid such advance or satisfied such liability, and that such seaman has not at the time of quitting his ship duly earned such advance by service therein, it shall be lawful for the Admiralty to pay to such owner or master so much of such advance as has not been duly earned, and to deduct the sum so paid from the wages of the seaman earned or to be earned in the naval service of Her Majesty.

If new seaman engaged instead of the original seaman, the owner may apply for repayment of any extra expenses he has been put to. 17 & 18 Vict. c. 104. s. 217.

6. Where, in consequence of any seaman so leaving his ship without the consent of the master or owner thereof, it becomes necessary for the safety and proper navigation of the said ship to engage a substitute or substitutes, if the wages or other remuneration paid to such substitute or substitutes for subsequent service exceed the wages or remuneration which would have been payable to the said seaman under his agreement for similar service, the master or owner of the said ship may apply to the Registrar of the High Court of Admiralty in England for a certificate authorizing the repayment of such excess; and such application shall be in such form, and shall be accompanied by such documents and by such statements, whether on oath or otherwise, as the judge of the said court from time to time directs.

Application how to be decided on, and amount of repayment how to be ascertained. 17 & 18 Vict. c. 104. s. 218.

7. The said registrar shall, upon receiving any such application as aforesaid, give notice thereof in writing and of the sum claimed to the Secretary to the Admiralty, and shall proceed to examine the said application, and may call upon the Registrar of Seamen to produce any papers in his possession relating thereto, and may call for further evidence.

If the whole of the claim appears to the Registrar of the High Court of Admiralty to be just, he shall give a certificate accordingly, but if he considers that such claim or any part thereof is not just, he shall give notice of such his opinion in writing under his hand to the person making the said application, or his attorney or agent.

If within sixteen days from the giving of such notice such person does not leave or cause to be left at the office of the Registrar of the High Court of Admiralty a written notice demanding that the said application shall be referred to the judge of the said court, then the registrar of the said court shall finally decide thereon, and certify accordingly.

If such notice is left as aforesaid, then the application shall stand referred to the judge in his chambers, and his decision thereon shall be final, and the registrar of the said court shall certify the same accordingly.

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The registrar and judge of the High Court of Admiralty respectively shall in every proceeding under this Act have full power to administer oaths, and to exercise all the ordinary powers of the court, as in any other proceeding within its jurisdiction; and the said registrar or judge (as the case may be) may, if he thinks fit, allow for the costs of any proceeding under this Act any sum not exceeding five pounds for each seaman so quitting his ship as aforesaid; and such sum shall be added to the sum allowed, and shall be certified by the said registrar accordingly.

Accountant General to pay sums when ascertained. 17 & 18 Vict. c. 104. s. 219

8. Every certificate so given shall be sent by post or otherwise to the person making the application or to his attorney or agent, and a copy thereof shall be sent to the Accountant General of the Navy; and the said Accountant General shall, upon delivery to him of the said original certificate, together with a receipt in writing purporting to be a receipt from the master or owner making the application, pay to the person delivering the same, out of the moneys applicable to the naval service of Her Majesty, and granted by Parliament for the purpose, the amount mentioned in such certificate; and such certificate and receipt shall absolutely discharge the said Accountant General and Her Majesty from all liability in respect of the moneys so paid or of the said application.

SIXTH SCHEDULE.

Rules to be observed with respect to Medicines, Medical Stores, and Anti-scorbutics.

Medicines and anti-scorbutics.

(1.) The Board of Trade shall from time to time issue and cause to be published scales of medicines and medical stores suitable for different ships and voyages, and shall also prepare or sanction a book or books containg instructions for dispensing the same.

(2.) The owners of every ship navigating between the United Kingdom and any place out of the same shall provide and cause to be kept on board such ship a supply of medicines and medical stores in accordance with the scale appropriate to the said ship, and also a copy of the said book or of one of the said books containing instructions.

(3.) No lime or lemon juice shall be deemed fit and proper to be taken on board any such ship, for the use of the crew or passengers thereof, unless the same has been obtained from a bonded warehouse for and to be shipped as stores; and no lime or lemon juice shall be so obtained or delivered from any warehouse as aforesaid, unless the same is shown, by a certificate under the hand of an inspector appointed by the Board of Trade, to be good, palatable, and otherwise proper for use on board ship, such certificate to be given upon inspection of a sample, after deposit of the said lime or lemon juice in the warehouse; nor unless the same contains fifteen per centum of proper and palatable proof spirits, to be approved by such in-

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Medicines and anti-scorbutics.

spector or by the proper officer of customs, and to be added before or immediately after the inspection thereof; nor unless the same is packed in such bottles, at such time and in such manner, and is labelled in such manner as the Commissioners of Customs may direct; provided that when any such lime or lemon juice is deposited in any bonded warehouse, and has been approved as aforesaid by the said inspector, the said spirits, or so much of the said spirits as is necessary to make up fifteen per centum, may be added in such warehouse, without payment of any duty thereon; and when any spirit has been added to any lime or lemon juice, and the same has been labelled as aforesaid, it shall be deposited in the warehouse for delivery as ship's stores only, upon such terms and subject to such regulations of the Commissioners of Customs as are applicable to the delivery of ship's stores from the warehouse.

(4.) The master or owner of every foreign-going ship shall provide and cause to be kept on board such ship a sufficient quantity of lime or lemon juice from the warehouse duly labelled as aforesaid, such labels to remain intact until twenty-four hours at least after such ship shall have left her port of departure on her foreign voyage, or a sufficient quantity of such other anti-scorbutics, if any, of such quality and composed of such materials, and packed and kept in such manner, as Her Majesty by Order in Council may from time to time direct.

(5.) The master of every of such ship as last aforesaid shall serve or cause to be served out the lime or lemon juice, with sugar (such sugar to be in addition to any sugar required by the articles) or other such anti-scorbutics as aforesaid, to the crew, so soon as they have been at sea for ten days; and during the remainder of the voyage, except during such time as they are in harbour and are there supplied with fresh provisions, the lime or lemon juice and sugar shall be served out daily at the rate of an ounce each per day to each member of the crew, and shall be mixed with a due proportion of water before being served out. The other anti-scorbutics, if any, shall be served out at such times and in such quantities as Her Majesty by Order in Council may from time to time direct.

(6.) If at any time when such lime or lemon juice or anti-scorbutics is or are so served out as aforesaid any seaman or apprentice refuses or neglects to take the same, such neglect or refusal shall be entered in the official log book in the manner provided by this Act, and shall be signed by the master and by the mate or some other of the crew, and also by the surgeon or medical practitioner on board, if any.

SEVENTH SCHEDULE.

Rules to be observed with respect to Accommodation on board Ships.

Accommodation.

(1.) Every place in any ship occupied by seamen or apprentices, and appropriated to their use, shall have for every such seaman or apprentice a space of not less than seventy-two cubic feet, and of not less than twelve superficial feet, measured on the deck or floor of such place.

(2.) Every such place shall be such as to make the space aforesaid available for the proper accommodation of the men who are to occupy it, shall be securely constructed, properly lighted, drained, and ventilated, properly protected from weather and sea, and as far as practicable properly shut off and protected from effluvium which may be caused by cargo or bilge water.

(3.) No such place as aforesaid shall be deemed to be such as to authorize a deduction from gross tonnage, under the provisions in Part I. of this Act contained, unless there be in the ship one or more properly constructed privy or privies for the use of the crew; such privy or privies to be of such number and of such construction as may be approved by the surveyor herein-after mentioned.

(4.) Every such place shall, whenever the ship is registered or re-registered in the United Kingdom, and also whenever the owner of the ship requires it, and tenders the fees and expenses payable in that behalf be inspected by one of the surveyors appointed by the Board of Trade under this Act, who shall, if satisfied that the same is in all respects such as is required by this Act, give to the collector of customs a certificate to that effect, and thereupon such space shall be deducted from the register tonnage.

(5.) Whenever the owner of a ship requires any such place as aforesaid to be measured he shall pay such fees, not exceeding one pound for each time such place is measured, and also such travelling expenses of and allowances to the surveyor, as the Board of Trade may, by any regulation made in that behalf, from time to time require.

(6.) No such deduction from tonnage as aforesaid shall be authorized unless there is permanently cut in a beam, and cut in or painted on or over the doorway or hatchway of every such place, the number of men which it is constructed to accommodate, with the words "Certified to accommodate seamen."

(7.) Every such place shall be kept free from stores or goods of any kind, not being the personal property of the crew in use during the voyage.

(8.) Upon any complaint concerning any such place as aforesaid, any surveyor appointed by the Board of Trade may inspect such place, and if he finds that any of the provisions of this Act with respect to the same are not complied with he shall report the same to the collector of customs at the port where the ship is registered, and thereupon the registered tonnage shall be altered, and the deduction

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Accommodation.

aforesaid in respect of space disallowed, unless and until it shall be certified by such surveyor, or by some other surveyor appointed by the Board of Trade, that the provisions of the Act in respect of such place are fully complied with.

(9.) If any such place in any ship is not kept free from goods and stores as aforesaid, the master shall be deemed to be in fault, and shall for every such failure to comply with the provisions of this schedule forfeit and pay to each seaman or apprentice lodged in such place the sum of one shilling a day for each day after complaint made to him by any two or more of such seamen during which any goods or stores, not being the personal property of the crew, are stored or kept therein.

EIGHTH SCHEDULE.

CONSTITUTION OF LOCAL MARINE BOARDS.

Elections.

Elections.

Constitution of local marine board.
17 & 18 Vict. c. 104., s. 110, 118, 119.
25 & 26 Vict. c. 63. s. 14.

Each local marine board shall be constituted as follows:

1. The board shall consist of the following members; viz.,—

(*a.*) The mayor or provost and the stipendiary magistrate, or such of the mayors or provosts and stipendiary magistrates of the place (if more than one) as the Board of Trade appoint:

(*b.*) Four members appointed by the Board of Trade from among persons residing or having places of business at the port or within seven miles thereof:

(*c.*) Six members elected by the owners of such foreign-going ships and coasting passenger ships as are registered at the port.

2. Any act or proceedings of any local marine board shall not be vitiated or prejudiced by reason of any irregularity in the election of any of its members, or of any error in the list of voters entitled to vote at such election, or of any irregularity in making or revising any such list or by reason of any person not duly qualified acting on the board, in cases where the majority of members parties to such act or proceedings were duly entitled to act.

3. A local marine board shall be elected and appointed, and the electors of the elected members of the board shall be registered and vote in the manner and according to the regulations contained in this schedule.

4. A local marine board shall keep minutes of its proceedings in the prescribed manner (if any), and any such minute, if signed by any person purporting to be the chairman of the board, either at the meeting of the board at which such proceedings took place or at the next ensuing meeting of the board, shall be receivable in evidence in all legal proceedings without further proof, and, until the contrary is proved, every meeting of the board in respect of the proceedings of which minutes have been so made shall be deemed to have been duly convened and held, and all the members thereof to have been duly qualified.

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Elections.

5. A local marine board may from time to time regulate the mode in which their meetings are to be held and their business to be conducted, so that the quorum fixed by them shall not be less than three.

6. The elections shall be held on the twenty-fifth day of January one thousand eight hundred and seventy-two, and on the twenty-fifth day of January in every third succeeding year, and the appointments shall be made within one month after the elections.

7. After the conclusion of such month, and the constitution of a new board, the functions of the then existing board shall cease, and the board, consisting of the members then newly elected and appointed, shall take its place.

8. Any occasional vacancy happening in the intervals between the general elections and appointments, by death, resignation, or otherwise, shall be filled up within one month after it happens; and every person elected or appointed on an occasional vacancy shall continue a member until the next constitution of the new board.

9. The mayor or provost shall fix the place and mode of conducting elections, and also, on occasional vacancies, the day of election, and shall give at least ten days notice thereof.

10. The Board of Trade may decide any question raised concerning any election.

Registry and Votes of Electors.

11. Owners of foreign-going ships and of coasting passenger ships registered at the port shall have votes at the election as follows; namely,

Every registered owner of not less than 250 tons in the whole of such shipping shall at every election have one vote for each member for every 250 tons owned by him, so that his votes for any one member do not exceed ten.

12. The qualification of electors shall be ascertained as follows:

(1.) In the case of a ship registered in the name of one person that person shall be deemed the owner:

(2.) In the case of a ship registered in distinct and several shares in the names of more persons than one the tonnage shall be apportioned among them as nearly as may be in proportion to their respective shares, and each of them shall be deemed the owner of the tonnage so apportioned to him:

(3.) In the case of a ship or shares of a ship registered jointly without severance of interest in the names of more persons than one the tonnage shall, if sufficient either alone or together with other tonnage, if any, owned by such joint owners, to give a qualification to each of them, be apportioned equally between or among the joint owners, and each of them shall be deemed the owner of the equal share so apportioned to him; but if it is not so sufficient the whole of such tonnage shall be deemed to be owned by such one of the joint owners resident or having a place of business at the port or within seven miles thereof as is first named on the register:

(4.) In any such apportionment any portion may be struck off so as to produce a divisible amount:

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Elections.

(5.) The whole amount of tonnage so owned by each person, whether in ships or shares of or interests in ships, shall be added together, and, if sufficient, shall constitute his qualification.

13. The collector or comptroller of customs in the port shall, with the assistance of the Registrar of Seamen, on or before the twenty-fifth day of December in the year one thousand eight hundred and seventy, and in every third succeeding year, make out an alphabetical list of the persons entitled by this Act to vote at the election, containing the Christian name, surname, and residence of each such person, and the number of votes to which he is entitled, and shall sign the list, and shall cause a sufficient number of copies thereof to be printed, and shall cause copies thereof to be fixed on or near the doors of the custom house of the port for two entire weeks next after the list has been made, and shall keep copies of such list, and permit the same to be perused by any person, without payment, at all reasonable hours during such two weeks.

14. The mayor or provost of the port, or such of them, if more than one, as is or are for the time being so appointed as aforesaid, shall, at least twenty days before the twenty-fifth day of January one thousand eight hundred and seventy-two, and in each succeeding third year, nominate two justices of the peace to revise the list (in this schedule referred to as the revisors).

15. The revisors shall, between the eighth and fifteenth days of January, both inclusive, in the year in which they are so nominated, revise the list at the custom house of the port, or in some convenient place near thereto, to be hired, if necessary, by the said collector or comptroller.

16. The revisors shall give three clear days notice of such revision by advertising the same in some local newspaper, and by affixing a notice thereof on or near to the doors of the custom house.

17. The revisors shall make such revision by inserting in the list the name of every person who claims to have his name inserted therein, and gives proof, satisfactory to the revisors, of his right to have his name so inserted, and by striking out therefrom the name of every person to the insertion of whose name an objection is made by any other person named in the list who gives proof satisfactory to the revisors that the name objected to ought not to have been inserted therein.

18. The decision of the revisors with respect to every such claim or objection shall be conclusive.

19. The revisors shall, immediately after such revision, sign their names at the foot of the list so revised.

20. The list so revised shall be the register of voters at elections for three years from the twenty-fifth day of January then next ensuing inclusive to the twenty-fourth day of January inclusive in the third succeeding year.

21. The revised list, when so signed, shall be delivered to the mayor or provost as aforesaid, who shall, if necessary, cause a sufficient number of copies thereof to be printed, and shall cause a copy thereof to be delivered to every voter applying for the same.

22. The collector or comptroller, if required, shall, for the assistance of the revisors in revising the list, produce to them the books containing the register of ships registered at the port; and the Registrar of Seamen, if required, shall

also produce or transmit to them such certified extracts or returns from the books in his custody as may be necessary for the same purpose.

23. The revisors shall certify the expenses properly incurred by the collector or comptroller in making and printing the list and in the revision thereof, and the Board of Trade shall pay the same, and also all expenses properly incurred by the mayor or provost in printing the same, or in any election; and the Board of Trade may disallow any items of any such expenses in their opinion improperly incurred.

24. Every person whose name appears on the revised list, and no other person, shall be qualified to vote at the election on the twenty-fifth day of January next after the revision, and at any occasional election held at any time between that day and the next ordinary triennial election.

25. Every male person who is, according to the revised list, entitled to a vote, shall be qualified to be elected a member, and no other person shall be so qualified; and if any person elected ceases after election to be an owner of such quantity of tonnage as would entitle him to a vote he shall no longer continue to act or be considered a member, and thereupon another member shall be elected in his place.

NINTH SCHEDULE.

Particulars to be inserted in return as to foreign-going Ships.

(1.) The number and date of the ship's register, and her registered tonnage:

(2.) The length and general nature of the voyage or employment:

(3.) The Christian names, surnames, ages, and places of birth of all the crew including the master and apprentices; their ratings on board, their last ships or other employments, and the dates and places of their joining the ship:

(4.) The names of any members of the crew who have died or otherwise ceased to belong to the ship, with the times, places, causes, and circumstances thereof:

(5.) The names of any members of the crew who have been maimed or hurt, with the times, places, causes, and circumstances thereof:

(6.) The wages due to any of the crew who have died at the times of their respective deaths:

(7.) The clothes and other effects belonging to any of the crew who have died, with a statement of the manner in which they have been dealt with, and the money for which any of them have been sold:

(8.) The name, age, and sex of every person, not being one of the crew, who dies on board, with the date and the cause thereof:

(9.) Every birth which happens on board, with the date thereof, the sex of the infant, and the names of the parents:

(10.) Such other particulars as the Board of Trade may require.

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Prevention of Collisions.

PART III.

Prevention of Accidents.

Preliminary.

Short title.

298. This Act may be cited as The Merchant Shipping Code (Prevention of Accidents Act), 1870.

Incorporation of certain sections of General Provisions Act.

299. There shall be incorporated with this Act the sections of the Merchant Shipping Code (General Provisions Act), 1870, relating to Legal Procedure, Orders in Council, Inspectors, and Construction.

Application of Act to Her Majesty's ships.

300. This Act shall not, except as therein expressly provided, apply to ships belonging to Her Majesty.

Prevention of Collisions.

Regulations to be observed by British ships and foreign ships in British jurisdiction.
25 & 26 Vict. c. 63. ss. 27, 28, 29.

301. The regulations concerning the lights to be shown, the fog signals to be used, and the sailing rules to be observed, contained in the first schedule to this Act, which regulations are in this Act referred to as "Regulations for Preventing Collisions," shall be observed by all British ships, including ships belonging to Her Majesty, and by all foreign ships within British jurisdiction, and where any of the said regulations, is infringed by any such ship, unless it is shown that the circumstances of the case made such infringement necessary, the following provisions shall have effect; namely,

(1.) In case of collision, the ship by which such regulation is infringed shall be deemed to be in fault:

(2.) Any damage to property or person arising from such infringement shall be deemed to have been caused by the person in charge of the deck of such ship at the time:

(3.) The master of the ship, if such infringement is caused by his wilful act or default, or the owner, if such infringement is caused by his wilful act or default, shall for each infringement be guilty of a misdemeanor.

Penalty for ships not being provided with lights, &c.
25 & 26 Vict. c. 63.

302. Where any ship, whether British or foreign, is required under the provisions of this Act to observe the regulations for preventing collision with respect to lights and fog signals, and is not provided with lights and the means of making fog signals, as in conformity

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Prevention of Collisions.

with the regulations for preventing collision, the master and also the owner of such ship, whether the master is in fault or not, shall, unless he can show that the failure to provide the same did not arise through inattention or neglect or wilful default on his part, be deemed to be in fault, and be liable to a penalty not exceeding in the case of a master fifty pounds, and in the case of the owner one hundred pounds:

Provided that nothing in this section shall in any way affect any other proceeding against or liability incurred by the master or owner.

Every person, other than the owner and master, who was in fault for the failure to provide the same, shall be liable to a penalty not exceeding one hundred pounds.

Inspection as to lights and fog signals. 25 & 26 Vict. c. 63. s. 30.

303. Any surveyor appointed under this Act may inspect any ship, British or foreign, which is bound to obey the regulations for preventing collision with respect to lights and fog signals, for the purpose of seeing that such ships are properly provided with lights, and the means of making fog signals, in conformity with the said regulations, and shall for that purpose have with respect to such ship all the powers given to surveyors appointed by the Board of Trade under this Act with respect to steamships.

If any such surveyor finds that any ship is not so provided, he shall give to the master or owner, or to some agent of the owner, notice in writing, pointing out the deficiency, and also what is, in his opinion, requisite in order to remedy the same.

Where any such notice of a deficiency has been given, and the ship proceeds to sea without having remedied the same in conformity with the requisitions of the surveyor, such ship shall be deemed not to be provided with lights and the means of making fog signals in conformity with the regulations for preventing collision.

Every notice so given shall be notified in the prescribed manner to the collector of customs at any port from which such ship may seek to clear, or at which her transire is to be obtained; and any collector to whom such notification is made shall detain such ship, unless a certificate under the hand of a surveyor is produced, to the effect that the said ship is properly provided with lights and with the means of making fog signals, in conformity with the said regulations.

The owner of any ship to whom notice of a deficiency has been given by a surveyor under this section shall pay for each inspection of such ship by a surveyor subsequent to the giving of such notice, until the deficiency is made good, the prescribed fee, not exceeding one pound, and any travelling or other expenses incurred by any

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surveyor in the matter, and such fee and expenses may be recovered summarily by the surveyor from the owner of such ship.

Prevention of Collisions.

In case of collision one ship shall assist the other.
25 & 26 Vict. c. 63. s. 33.

304. In every case of collision between two ships, whether British or foreign, it shall be the duty of the master of each ship, if and so far as he can do so without danger to his own ship and crew, to render to the other ship, her master, crew, and passengers (if any), such assistance as may be practicable and as may be necessary in order to save them from any danger caused by the collision; and also to give to the master of the other ship the name and official number of his own ship:

In case he fails so to do, and no reasonable excuse for such failure is shown, the collision shall, in the absence of proof to the contrary, be deemed to have been caused by his wilful act, neglect, or default; and such failure shall also be deemed to be an act of misconduct for which an inquiry into his conduct as a certificated officer may be held, and his certificate cancelled or suspended.

Collisions to be entered in official log.
17 & 18 Vict. c. 104. s. 328.

305. In every case of collision, in which it is practicable so to do, the master shall immediately after the occurrence cause a statement thereof, and of the circumstances under which the same occurred, to be entered in the official log book (if any). Such entry shall be signed by the master, and also by the mate or one of the crew, and and shall be receivable in evidence, and if such entry is not made as required by this section the master shall incur a penalty not exceeding *twenty* pounds.

Application of regulations to foreign ships.
25 & 26 Vict. c. 63. s. 58.

306. Whenever it is made to appear to Her Majesty that the Government of any foreign country is willing that the regulations for preventing collision or the provisions of this Act relating to the prevention of collisions, or any of such regulations or provisions, should apply to the ships of such country when beyond the limits of British jurisdiction, Her Majesty may, by Order in Council, direct that such regulations and provisions shall, subject to any exceptions and restrictions therein contained, apply to the ships of the said foreign country, whether within British jurisdiction or not, and such regulations and provisions shall apply accordingly, subject to the said exceptions and restrictions.

Queen in Council may alter regulations for preventing collision.
25 & 26 Vict. c. 63. ss. 25. 57.

307. Her Majesty may, from time to time, on the joint recommendation of the Admiralty and Board of Trade, by Order in Council, annul any of the regulations for preventing collision, or make new regulations in addition to or in substitution for the same or any of them, and such new or additional regulations shall have the same effect as if they were contained in the first schedule to this Act.

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Equipments.

Rule for steamers in narrow channels.

308. In the case of any harbour, river, or other inland navigation in the United Kingdom, the following rule shall, where there are no regulations in force inconsistent with the same, be deemed to be included among the regulations for preventing collision, that is to say:

Every steam ship, when navigating any narrow channel, shall, whenever it is safe and practicable, keep to that side of the fair-way or mid-channel which lies on the starboard side of such steam ship:

Provided that it shall be lawful for Her Majesty, by Order in Council, upon application from the harbour or conservancy authority of such harbour, river, or inland navigation, or if there is no such harbour or conservancy authority, upon application from persons interested in the navigation of such harbour, river, or inland navigation, to cancel or alter the said rule.

Rules for harbours under special Acts to continue in force. 25 & 26 Vict. c. 63. s. 31.

309. Any rules concerning the lights or signals to be carried by ships or boats navigating solely within the waters of any harbour, river, or other inland navigation, or concerning the steps for avoiding collision to be taken by such ships or boats, which are in force at the time of the passing of this Act, or which are hereafter made by or under the authority of any special Act, and shall continue and be of full force and effect, notwithstanding anything in this Act or in the regulations for preventing collision.

In harbours and rivers where no such rules exist they may be made. 25 & 26 Vict. c. 63. s. 32.

310. In the case of any harbour, river, or other inland navigation in the United Kingdom for which such rules are not and cannot be made by or under the authority of any special Act, it shall be lawful for Her Majesty, by Order in Council, upon application from the harbour or conservancy authority of such harbour, river, or inland navigation, or, if there is no such harbour authority, upon application from persons interested in the navigation of such harbour, river, or inland navigation, to make rules concerning the lights or signals to be carried, and concerning the steps for avoiding collision to be taken by ships navigating the same; and such rules, when so made, shall, so far as regards ships navigating the harbour, river, or inland navigation mentioned in the order, have the same effect as if they were regulations for preventing collision.

Equipments.

Ships to be Seaworthy. Compare 17 & 18 Vict. c. 104. s. 301.

311. It shall be the duty of the owner of every British ship to provide that such ship shall be properly equipped, and no sea-going ship shall be deemed to be properly equipped, unless—

(1.) She is provided with efficient boats, rafts, or other appliances for saving life, kept at all times fit and ready for use, and supplied with all requisites for use, sufficient in number

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Equipments

and of the size and description proper for the service, regard being had to the number of persons carried, the size of the ship, the nature and duration of the voyage, and like circumstances, and with a sufficient number of life buoys and life jackets for use in emergency :

(2.) If carrying more than ten passengers she is, besides the boats, rafts, other appliances, life buoys and life jackets aforesaid, provided with a lifeboat, or a sufficient number of lifeboats, kept at all times fit and ready for use, and supplied with all requisites for use :

(3.) If built wholly or partly of iron, she has her compasses properly adjusted from time to time :

(4.) If a steam ship, she is provided with proper pumps and with a hose capable of being connected with the engines of the ship, and adapted for extinguishing fire in any part of the ship :

(5.) If a passenger steamer within the meaning of the provisions of this Act, with respect to the survey of passenger steamers, she complies with those provisions.

Safety-valve, and prohibition of improper pressure of steam in boiler.

Compare 17 & 18 Vict. c. 104. ss. 301, 302.

312. A steam ship shall not be deemed to be properly equipped unless she is provided with a safety valve on each boiler, so constructed that the weight thereon cannot be increased when the steam is up, and that the pressure of steam in the boiler cannot be increased beyond a safe and proper pressure; and if the safety valve is in addition to the ordinary valve, unless it is so constructed as to have an area not less and a pressure not greater than the pressure on the ordinary valve :

If such weight or pressure of steam is increased as aforesaid, then—

(1.) Each of the engineers in charge of the machinery for the time being shall, unless he proves that the act was done without his knowledge, and without inattention or neglect or wilful default on his part, be deemed to be in fault, and be liable to a penalty not exceeding one hundred pounds :

(2.) If it be shown that the act was done by the direction or with the knowledge of the owner or master, or of any agent of the owner, such owner, master, or agent shall be deemed to be in fault, (whether the engineer is in the same case to be deemed in fault or not,) and shall for every such offence be liable to a penalty not exceeding five hundred pounds.

A penalty under this section shall be without prejudice to any

other proceeding against and in addition to any other liability incurred by the person liable to such penalty.

Survey of Passenger Steamers.

In the case of a passenger steamer surveyed under this Act, the proper pressure shall be deemed to be the pressure fixed by the surveyor.

Ship's draught of water to be recorded.

313. The Board of Trade or any harbour authority may direct any of their own officers, or, with the consent of the Commissioners of Customs, any officer of customs, to record in such manner and with such particulars as the Board of Trade direct the draught of water of any sea-going ship, as shown on the scale of feet on her stem and stern, upon her leaving any dock, wharf, port, or harbour; and such officer shall thereupon make and keep such record, and shall from time to time forward the same, or a copy thereof, to such persons as the Board of Trade may direct; and such record, or any copy thereof, if produced by or out of the custody of such officer, or of the Board of Trade, or of such harbour authority, shall be admissible in evidence of the draft of water of the ship at the time specified in the record.

Survey of Passenger Steamers.

Yearly survey and certificate to passenger steamer. 17 & 18 Vict. c.104.ss.303, 304, 318.

314. Every British steam ship carrying persons, other than the master and crew, and the owner, his family, and servants, to or from any place or places, or between any places in the United Kingdom, except steam ferry boats working in chains, commonly called steam bridges, shall be surveyed once at least in each year, in the manner in this Act provided, and shall not ply or proceed on any voyage or excursion with any such persons (hereafter referred to as passengers) on board, unless the owner or master has such certificate as herein-after mentioned, the same being in force, and applicable to the voyage or excursion on which he is about to proceed, and any officer of customs may detain any such steamship until such certificate is produced.

If the provisions of this section are infringed by any such steam ship (in this Act referred to as a passenger steamer), the owner and master shall each be liable to a penalty not exceeding fifty pounds, and also to an additional penalty of five shillings for every passenger on board.

Annual survey and declaration of survey. 17 & 18 Vict. c.104,ss.309, 310, 314.

315. The owner of every passenger steamer shall call upon the surveyor appointed under this Act, for the district in which such steamer is, to survey the steamer. The surveyor, on the prescribed fees, not exceeding those specified in the second schedule to this Act, being paid, shall survey such steamer accordingly, and on the

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Survey of Passenger Steamers.

completion of such survey shall, if satisfied that he can with propriety do so, deliver to the owner a declaration of survey in the prescribed form and containing the particulars prescribed by the third schedule to this Act, or such other particulars as may be from time to time prescribed, and the owner shall within fourteen days after delivery to him of such declaration of survey transmit the same to the Board of Trade.

Board of Trade to issue certificate. 17 & 18 Vict. c. 104. ss. 312, 113.

316. On the receipt of the declaration of survey, the Board of Trade shall, if satisfied that the provisions of this Act have been complied with, send to the owner, or other person named for the purpose in the declaration of survey, a certificate in duplicate, to the effect that the provisions of this Act with respect to the survey of the ship have been complied with, which certificate shall state, according to the declaration—

(1.) The limits (if any) beyond which the ship is not fit to ply:

(2.) The number of passengers which the ship is fit to carry, distinguishing the number to be carried in each part of the ship as distinguished in the declaration:

(3.) The period, if less than twelve months, during which the ship is fit to ply:

(4.) The date at which the certificate will expire.

Where, according to the terms of the declaration, the hull, equipments, or machinery of the ship is or are sufficient only for a period of less than twelve months, the certificate may be granted for any time within the period for which such hull, machinery, or equipments, as the case may be, is or are declared to be sufficient.

Continuance of certificates. 17 & 18 Vict. c. 104. s. 315.

317. A certificate shall not be in force for the purposes of this Act for more than one year from the date of the granting thereof, or such shorter time as may be specified in the certificate, nor after notice is given by the Board of Trade to the owner, agent, or master of the ship to which it relates, that the Board of Trade have cancelled it; and the Board of Trade may require any certificate that has expired or been cancelled to be delivered up at such time to such person and in such manner as they direct; and if any owner or master, without reasonable excuse, proof whereof shall lie on him, neglects or refuses to comply in any respect with such requirement, he shall be liable to a penalty not exceeding *ten* pounds: Provided that, if a passenger steamer be absent from the United Kingdom at the time when her certificate expires, a penalty shall not be incurred for want of a certificate until she first begins to ply with passengers after her next subsequent return to the United Kingdom.

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Survey of Passenger Steamers.

Cancellation of certificate. 17 & 18 Vict. c. 104. s. 316.

318. The Board of Trade may cancel a certificate in any case in which they are of opinion—

(1.) That any declaration of survey on which such certificate was founded has been made fraudulently or erroneously, or was, in any particular, false or incorrect; or,

(2.) That the certificate has been otherwise issued upon false or erroneous information; or,

(3.) That since the making of the declaration the hull, equipments, or machinery has or have sustained any injury, or is or are otherwise insufficient.

And in every such case the Board of Trade may, if they think fit, require the owner to have the ship again surveyed, and to transmit a further declaration of survey before they re-issue any certificate or grant a fresh one in lieu thereof.

Posting up of certificates of number of passengers. Compare 17 & 18 Vict. c. 104. s. 317.

319. The owner or master of every passenger steamer shall cause the prescribed notices of the number of passengers authorized to be carried by such steamer, and also one of the duplicate certificates for the time being in force, to be put up in such conspicuous places on board the steamer as the surveyor may direct, so as to be legible to all persons on board, and to be kept so put up and legible, and without obliteration.

If at any time the provisions of this section are not complied with, the master and owner of the steamer shall each, unless he can show that such non-compliance was not owing to any fault on his part, be liable to a penalty not exceeding forty shillings for every day during which such non-compliance exists.

Every person who pulls down, injures, obliterates, or defaces any notice or certificate put up in pursuance of this section shall be liable to a penalty not exceeding forty shillings.

The court may direct any portion not exceeding one half of a penalty inflicted under this section to be paid to the informer.

Passengers in excess. 17 & 18 Vict. c. 104. s. 319.

320. If any passenger steamer has on board thereof, or on or in any part thereof, any number of passengers greater than the number allowed to such steamer, or such part thereof, by the certificate, the master and owner of the steamer shall each, unless he prove, to the satisfaction of the court before which he is charged, that the event did not happen through his default, be liable to a penalty for each offence not exceeding *twenty pounds*, and also an additional penalty not exceeding *five shillings* for every passenger over and above the number allowed by the certificate, or if the fare of any of the passengers on board exceeds five shillings, not exceeding double the amount of the fares of all the passengers over and above such number; and for the purpose of calculating the

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Appointment of Surveyors.

amount so payable the fares of all the passengers over and above such number shall be reckoned at the highest rate of fare payable by any passenger on board.

And any constable or officer of police may at any time enter on board any passenger steamer and inspect the same, for the purpose of seeing whether the provisions of this Act with respect to the number of passengers to be carried on board such steamer, or any part thereof, are complied with; and any person who wilfully obstructs or hinders any constable or officer of police when engaged in such inspection shall for each offence be liable to a penalty not exceeding *twenty pounds*.

Appointment of Surveyors.

Appointment, &c., of surveyors, 17 & 18 Vict. c. 104. s. 305.

321. The Board of Trade may from time to time appoint such and so many persons to be surveyors for such ports, places, or districts as they think fit, and may at any time remove any such surveyor, and may from time to time alter the districts of the surveyors, and fix and alter their remuneration.

Power of surveyors. 17 & 18 Vict c. 104. s. 306.

322. A surveyor, in the execution of his duty, may go on board any steamship at all reasonable times, and inspect the same or any part thereof, or any of the machinery, boats, equipments, or articles on board thereof, or the certificate of registry thereof, or any certificate of the master or of any mate or engineer, not unnecessarily detaining or delaying the ship in proceeding on her voyage; and if, in consequence of any accident to any such ship, or for any other reason, the surveyor considers it necessary to do so, he may require the ship to be taken to dock for the purpose of surveying the hull thereof.

If any person hinders any surveyor from going on board any ship, or otherwise impedes him in the execution of his duty under this Act, he shall for every such offence be liable to a penalty not exceeding *five pounds*.

Regulations of Board of Trade respecting surveys. 17 & 18 Vict. c. 104. s. 307.

323. The surveyors shall execute their duties under the direction of the Board of Trade, and the Board of Trade shall make such regulation as to the manner in which surveys required by this Act are to be made, and the notice to be given by the surveyor, when surveys are required, and the amount and payment of any travelling or other expenses incurred by the surveyors in the execution of their duties, and may by such regulations determine the persons by whom and the conditions under which such payment is to be made, and the said expenses shall be recoverable from such persons summarily.

Keeping Order in Passenger Steamers.

324. If any surveyor demands or receives, directly or indirectly, from the owner or master of any ship surveyed by him under this Act, any fee, remuneration, or gratuity whatever, he shall for every such offence be guilty of a misdemeanor.

Prohibition of gratuities, &c.

325. All fees received by any surveyor under this Act shall be carried to the Mercantile Marine Fund, and all salaries and expenses incurred by the Board of Trade under this Act shall be paid out of the same fund.

17 & 18 Vict. c. 104. s. 308.

Fees to be carried to Merantile Marine Fund.

Keeping Order in Passenger Steamers.

326. The master or any officer of a passenger steamer having a certificate of survey in force under this Act may refuse to receive on board thereof any person who, by reason of drunkenness, misconduct, or from any other cause, is likely to cause annoyance to passengers on board; or, if any such person be on board, the master or officer may put him on shore at any convenient place.

Power to refuse admittance to and to remove passengers who are drunk or misconduct themselves.

No person refused admittance or put on shore in pursuance of this section shall be entitled to have returned to him any fare he may have paid.

17 & 18 Vict. c. 104. s. 325.

327. If any of the following offences are committed on board a passenger steamer, having a certificate of survey for the time being in force (which alone is in this section meant by the term "steamer"), that is to say,

Offences in connexion with passenger steamers.

25 & 26 Vict. c. 63. ss. 35, 36, 37.

(1.) If any person being drunken or disorderly has been on that account refused admission into a steamer by the owner or any person in his employment, and nevertheless persists in attempting to enter the steamer:

Attempting to enter.

(2.) If any person being drunken or disorderly on board a steamer is requested by the owner or any person in his employment to leave the same at any place in the United Kingdom, being a reasonably convenient place for him to leave the same, does not comply with such request:

Refusing to leave.

(3.) If any person on board a steamer, after warning by the master or other officer of the steamer, molests or continues to molest any passenger:

Molesting passengers.

(4.) If any person, after having been refused admission into a steamer by the owner or any person in his employment, on account of the steamer being full, and having had the amount of his fare, if he has paid it, returned or tendered to him, nevertheless persists in attempting to enter the steamer:

Forcing way on board when full.

(5.) If any person having got on board a steamer, on being requested on account of the steamer being full by the owner

Refusing to quit when full.

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or any person in his employment to leave the steamer before it has quitted the place at which such person got on board, and having had the amount of his fare, if he has paid it, returned or tendered to him, does not comply with such request:

Not paying fare.

(6.) If any person travels or attempts to travel in a steamer without first paying his fare, unless he shows to the satisfaction of the court before which he is charged that he did not do so with intent to avoid payment of his fare or of any part thereof:

Not paying additional fare.

(7.) If any person having paid his fare for a certain distance proceeds in a steamer beyond that distance without first paying the additional fare for the additional distance, unless he shows, to the satisfaction of the court before which he is charged, that he did so by mistake or without an intention of avoiding payment of the additional fare or any part thereof:

Not quitting on arrival.

(8.) If any person, without reasonable excuse, proof whereof shall lie on him, on arriving in a steamer at a point to which he has paid his fare, does not quit the steamer:

Not showing ticket.

(9.) If any person on board a steamer who, without reasonable excuse, proof whereof shall lie on him, fails when requested by the master or other officer thereof, either to pay his fare or exhibit such ticket or other receipt, if any, showing the payment of his fare as is usually given to persons travelling by and paying their fare on the steamer,

then and in every such case the person so offending shall for every such offence be liable to a penalty not exceeding *forty shillings*, but this liability shall not prejudice the recovery of any amount payable by him as fare.

If any person on board a passenger steamer, having a certificate for the time being in force, without reasonable excuse, proof whereof shall lie on him, does or causes to be done anything in such manner as to obstruct or injure any part of the machinery or tackle of the steamer, or to obstruct, impede, or molest the crew, or any of them, in the navigation or management of her, or otherwise in the execution of their duty on or about the steamer, he shall for every such offence be liable to a penalty not exceeding *twenty pounds*.

25 & 26 Vict. c. 63. s. 37.

It shall be lawful for the master or other officer of a steamer, and for all persons called by him to his assistance, without any warrant, to detain any offender against the provisions of this section, whose name and address are unknown to such master or officer, and to convey such offender with all convenient despatch before any

justice or court of summary jurisdiction; and such justice or court shall have jurisdiction to try the case, and shall proceed with all convenient despatch to the hearing and determining of the complaint against such offender.

Foreign passenger steamers plying in United Kingdom.

328. All foreign steam ships carrying passengers between places in the United Kingdom shall, for the purposes of this Act, be deemed to be British passenger steamers.

Dangerous Goods.

Provisions to prevent the taking dangerous goods on board without due notice. 17 & 18 Vict. c. 104. s. 329. 25 & 26 Vict. c. 63. s. 38.

329. If any person sends by any ship any dangerous goods; that is to say, aquafortis, oil of vitriol, gunpowder, nitro-glycerine, petroleum, or any other goods of a dangerous nature, without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing to the master or owner of the ship at or before the time of sending the same to be shipped, he shall for every such offence incur a penalty not exceeding *one hundred pounds*.

No person shall be entitled to carry in any British ship, or any foreign ship within British jurisdiction, or to require the master or owner of any such ship to carry therein, any such dangerous goods as aforesaid, or any other goods which, in the judgment of such master or owner, are of a dangerous nature.

The master or owner of any ship, British or foreign, may refuse to take on board any package or parcel that he suspects to contain goods of a dangerous nature, and may require it to be opened to ascertain the fact.

Where any dangerous goods, as defined in this section, or any goods which in the judgment of the master or owner are of a dangerous nature, have been sent on board any ship, British or foreign, the master or owner of such ship may cause such goods to be thrown overboard, and neither the master nor the owner of the ship shall, in respect of such throwing overboard, be subject to any liability, civil or criminal, in any British court.

Forgery and False Declarations.

Forgery of declaration, &c. as to survey of steam ships. 17 & 18 Vict. c. 104. s. 320.

330. Every person who forges, or fraudulently alters, or knowingly makes, any false entry in or omission from any declaration of survey or certificate of survey under this Act; and

Any person who knowingly utters or uses any such document which has been forged or fraudulently altered, or in or from which such false entry or omission has been made; or

Assists in committing or procures to be committed any of the offences mentioned in this section,

Shall be guilty of a misdemeanor.

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Miscellaneous.

False declarations. 17 & 18 Vict. c. 104. s. 320.

331. Every person who on the occasion of the survey of any ship under this Act commits any of the following offences; that is to say,

(1.) Makes any declaration, representation, or statement, or gives any evidence which is false in any particular;

(2.) Or assists in committing, or procures to be committed, any of the said offences;

Shall, unless he proves that he did not know of the falsity of such particular, and that he could not with reasonable diligence have obtained such knowledge, or that his intent was not fraudulent, be guilty of a misdemeanor.

Miscellaneous.

Exemption of instruments from stamp duty.

332. Instruments used by or under the direction of the Board of Trade in executing this Act, and instruments required by this Act to be made in forms approved by the Board of Trade, if made in such form shall be exempt from stamp duty.

Application of fees.

333. All fees paid in pursuance of the provisions of this Act with respect to the survey and maintenance of order on passenger steamers shall be carried to the Mercantile Marine Fund.

Saving for 18 & 19 Vict. c. 119.

334. Nothing in this Act shall affect any of the provisions of the Passengers Act, 1855, or the Acts amending the same.

SCHEDULES TO PREVENTION OF ACCIDENTS ACT.

FIRST SCHEDULE.

Regulations for Preventing Collision at Sea.

Preliminary.

1. In the following rules every steam ship which is under sail and not under steam is to be considered a sailing ship; and every steam ship which is under steam, whether under sail or not, is to be considered a ship under steam.

2. Every ship shall be provided with such lights and such means of making fog signals as will enable them to comply with the regulations in this schedule.

Rules concerning Lights.

Lights.

3. The lights mentioned in the following articles, numbered 3, 4, 5, 6, 7, 8, and 9, and no others, shall be carried in all weathers, from sunset to sunrise

Lights for steam ships.

4. Seagoing steam ships when under weigh shall carry:

(*a.*) *At the foremast head,* a bright white light, so fixed as to show an uniform and unbroken light over an arc of the horizon of 20 points of the compass; so fixed as to throw the light 10 points on each side of the ship, viz., from right ahead to two points abaft the beam on either side; and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least five miles:

(*b.*) *On the starboard side,* a green light so constructed as to show an uniform and unbroken light over an arc of the horizon of 10 points of the compass; so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side; and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles:

(*c.*) *On the port side,* a red light, so constructed as to show an uniform and unbroken light over an arc of the horizon of 10 points of the compass; so fixed as to throw the light from right ahead to two points abaft the beam on the port side; and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles:

(*d.*) The said green and red side lights shall be fitted with inboard screens, projecting at least three feet forward from the light, so as to prevent these lights from being seen across the bow.

Lights for steam tugs.

5. Steam ships, when towing other ships, shall carry two bright white mast-head lights vertically, in addition to their side lights, so as to distinguish them from other steam ships. Each of these mast-head lights shall be of the same construction and character as the mast-head lights which other steam ships are required to carry.

Lights for sailing ships.

6. Sailing ships under weigh, or being towed, shall carry the same lights as steam ships under weigh, with the exception of the white mast-head lights, which they shall never carry.

Exceptional lights for small sailing vessels.

7. Whenever, as in the case of small vessels during bad weather, the green and red lights cannot be fixed, these lights shall be kept on deck, on their respective sides of the vessel, ready for instant exhibition; and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side, nor the red light on the starboard side.

To make the use of these portable lights more certain and easy, the lanterns containing them shall each be painted outside with the colour of the light they respectively contain, and shall be provided with suitable screens.

Lights for ships at anchor.

8. Ships, whether steam ships or sailing ships, when at anchor in roadsteads or fairways, shall exhibit, where it can best be seen, but at a height not exceeding twenty feet above the hull, a white light, in a globular lantern of eight inches in diameter, and so constructed as to show a clear uniform and unbroken light all round the horizon, and at a distance of at least one mile.

Lights for pilot vessels.

9. Sailing pilot vessels shall not carry the lights required for other sailing vessels, but shall carry a white light at the mast-head, visible all round the horizon, and shall exhibit a flare-up light every fifteen minutes.

Lights for fishing vessels and boats.

10. Open fishing boats and other open boats shall not be required to carry the said lights required for other vessels, but shall, if they do not carry such lights, carry a lantern having a green slide on the one side and a red slide on the other side; and on the approach of or to other vessels, such lantern shall be exhibited in sufficient time to prevent collision, so that the green light shall not be seen on the port side, nor the red light on the starboard side.

Fishing vessels and open boats, when at anchor, or attached to their nets and stationary, shall conform to the provisions concerning lights contained in the Sea Fisheries Act, 1868, and in cases not provided for by that Act shall exhibit a bright white light.

Fishing vessels and open boats shall, however, not be prevented from using a flare-up in addition, if considered expedient.

Rules concerning fog signals.

Fog signals.

11. Whenever there is fog, whether by day or night, the fog signals described below shall be carried and used, and shall be sounded at least every five minutes, viz.:—

(*a.*) Steam ships under weigh shall use a steam whistle placed before the funnel, not less than eight feet from the deck:

(*b.*) Sailing ships under weigh shall use a fog horn:

(*c.*) Steam ships and sailing ships when not under weigh shall use a bell.

Sailing Rules.

Two sailing ships meeting.

12. If two sailing ships are meeting end on, or nearly end on, so as to involve risk of collision, the helms of both shall be put to port, so that each may pass on the port side of the other.

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Two sailing ships crossing.

13. When two sailing ships are crossing so as to involve risk of collision then, if they have the wind on different sides, the ship with the wind on the port side shall keep out of the way of the ship with the wind on the starboard side; except in the case in which the ship with the wind on the port side is close hauled and the other ship free, in which case the latter ship shall keep out of the way; but if they have the wind on the same side, or if one of them has the wind aft, the ship which is to windward shall keep out of the way of the ship which is to leeward,

Two ships under steam meeting.

14. If two ships under steam are meeting end on, or nearly end on, so as to involve risk of collision, the ends of both shall be put to port, so that each may pass on the port side of the other.

Two ships under steam crossing.

15. If two ships under steam are crossing so as to involve risk of collision the ship which has the other on her own starboard side shall keep out of the way of the other.

Sailing ship and ship under steam.

16. If two ships, one of which is a sailing ship and the other a steam ship, are proceeding in such directions as to involve risk of collision, the steam ship shall keep out of the way of the sailing ship.

Ships under steam to slacken speed.

17. Every steam ship, when approaching another ship so as to involve risk of collision, shall slacken her speed, or, if necessary, stop and reverse; and every steam ship shall, when in a fog, go at a moderate speed.

Vessels overtaking other vessels.

18. Every vessel overtaking any other vessel shall keep out of the way of the said last-mentioned vessel.

Construction of articles 12, 14, 15, and 17.

19. Where, by the above rules, one of two ships is to keep out of the way the other shall keep her course, subject to the qualifications contained in the following article.

Proviso to save special cases.

20. In obeying and construing these rules, due regard must be had to all dangers of navigation; and due regard must also be had to any special circumstances which may exist in any particular case rendering a departure from the above rules necessary in order to avoid immediate danger.

No ship, under any circumstances, to neglect proper precautions.

21. Nothing in these rules shall exonerate any ship, or the owner or master or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper look-out, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

Application of Articles 11 *and* 13.

The articles in these regulations numbered 11 and 13 respectively only apply to cases where ships are meeting end on, or nearly end on, in such a manner as to involve risk of collision. They consequently do not apply to two ships which must, if both keep on their respective courses, pass clear of each other.

The only case in which the said two articles apply are when eachof the two ships is end on, or nearly end on, to the other; in other words, to cases in which by day each ship sees the masts of the other in a line or nearly

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in a line with her own; and by night to cases in which each is in such a position as to see both the side lights of the other.

The said two articles do not apply by day to cases in which a ship sees another ahead crossing her own course; or by night to cases where the red light of one ship is opposed to the red light of the other; or where the green light of one ship is opposed to the green light of the other; or where a red light without a green light, or a green light without a red light, is seen ahead; or where both green and red lights are seen anywhere but ahead.

Printing of Regulations.

25 & 26 Vict. c. 63. s. 26.

The Board of Trade shall from time to time cause Collision Regulations, with or without any of the provisions of this Act with respect to the prevention of collisions, to be printed, and shall furnish a copy thereof gratis to every master and owner of a ship who applies for the same.

SECOND SCHEDULE.

Table of fees to be paid on application for survey.

	£	s.	d
For passenger steam ships not exceeding 25 tons register	3	0	0
Exceeding 25 tons register and not exceeding 100 tons	5	0	0
Exceeding 100 tons register and not exceeding 300 tons	6	0	0
Exceeding 300 tons register and not exceeding 600 tons	8	0	0
Exceeding 600 tons register and not exceeding 1,000 tons	10	0	0
For every 100 tons register above 1,000 tons	0	10	0

An addition not exceeding 25 per cent. may be made where the surveyor is called upon to attend out of office hours, such hours to be determined by the Board of Trade.

The above fees shall be paid to the superintendent of a mercantile marine office, or otherwise, as the Board of Trade direct.

THIRD SCHEDULE.

Contents of declaration. 17 & 18 Vict. c. 104.

The declaration of survey shall contain statements of the following particulars:

(1.) As to the hull, machinery, tackle, apparel, and equipments of the ship, whether the same are sufficient for the service intended, and in good condition:

(2.) As to the marking of the draft of water on the stem and stern of the ship, whether the same is correct or legible:

(3.) As to the lights, signals, compasses, shelter for deck passengers, safety valves, pumps, and fire hose, whether the same are such, and in such condition, as required by this Act:

(4.) The time (if less than twelve months) for which the hull, machinery, or equipments, as the case may be, will be sufficient:

(5.) The limits (if any) beyond which, as regards the hull, machinery, and equipments, or any of them, the ship is not fit to ply:

(6.) As to the certificates of the master, mate or mates, engineer or engineers, whether the same are such, and in such condition, as is required by "The Merchant Shipping Law (Masters and Seamen, Act), 1870."

(7.) The number of passengers which the ship is fit to carry, distinguishing, if necessary, between the respective numbers to be carried on the deck and in the cabins and in different parts of the deck and cabins; and such number shall be subject to such conditions and variations, according to the time of year, the nature of the voyage, the cargo carried, and other circumstances, as the Board of Trade may require:

(8.) The limit of the weight to be placed on the safety valve.

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Delivery of Goods and Lien for Freight.

PART IV.

Delivery of Goods Act.

Preliminary.

Short title.

335. This Act may be cited as the "Merchant Shipping Code (Delivery of Goods Act), 1870."

Extent of Act.

336. This Act shall extend to the United Kingdom only.

Incorporation of certain sections of General Provisions Act.

337. There shall be incorporated with this Act the sections of the Merchant Shipping Code (General Provisions Act), 1870, relating to Construction.

Delivery of Goods and Lien for Freight.

Definitions.

338. In these provisions,—

The term "report" means the report required by the customs laws to be made by the master of an importing ship:

The term "entry" means the entry required by the customs laws to be made for the landing or discharge of goods from an importing ship:

The term "shipowner" includes the master of the ship and every other person authorized to act as agent for the owner or entitled to receive the freight, demurrage, or other charges payable in respect of the ship:

The term "owner" used in relation to goods means every person who is for the time being entitled, either as owner or agent for the owner, to the possession of the goods, subject, in the case of a lien (if any), to such lien:

The term "wharfinger" means the occupier of a wharf:

The term "warehouseman" means the occupier of a warehouse.

Power to shipowner to enter and land goods

339. Where the owner of any goods imported in any ship from foreign parts into the United Kingdom fails to make entry thereof, or, having mede entry thereof, to land the same or take delivery

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thereof and to proceed therewith with all convenient speed, by the times severally herein-after mentioned, the shipowner may make entry of and land or unship the said goods at the times, in the manner, and subject to the conditions following :—

in default of entry and landing by owner of goods. 25 & 26 Vict. c. 63. s. 67.

(1.) If a time for the delivery of the goods is expressed in the charter party, bill of lading, or agreement, then at any time after the time so expressed :

(2.) If no time for the delivery of the goods is expressed in the charter party, bill of lading, or agreement, then at any time after the expiration of seventy-two hours, exclusive of a Sunday or holiday, after the report of the ship :

(3.) If any wharf or warehouse is named in the charter party, bill of lading, or agreement, as the wharf or warehouse where the goods are to be placed, and if they can be conveniently there received, the shipowner in landing them by virtue of this enactment shall cause them to be placed on such wharf or in such warehouse :

(4.) In other cases the shipowner in landing goods by virtue of this enactment shall place them on or in some wharf or warehouse on or in which goods of a like nature are usually placed ; such wharf or warehouse being, if the goods are dutiable, a wharf or warehouse duly approved by the Commissioners of Customs for the landing of dutiable goods :

(5.) If at any time before the goods are landed or unshipped the owner of the goods is ready and offers to land or take delivery of the same, he shall be allowed so to do, and his entry shall in such case be preferred to any entry which may have been made by the shipowner :

(6.) If any goods are, for the purpose of convenience in assorting the same, landed at the wharf where the ship is discharged, and the owner of the goods at the time of such landing has made entry and is ready and offers to take delivery thereof, and to convey the same to some other wharf or warehouse, such goods shall be assorted at landing, and shall, if demanded, be delivered to the owner thereof within twenty-four hours after assortment ; and the expense of and consequent on such landing and assortment shall be borne by the shipowner :

(7.) If at any time before the goods are landed or unshipped the owner thereof has made entry for the landing and warehousing thereof at any particular wharf or warehouse other

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than that at which the ship is discharging, and has offered and been ready to take delivery thereof, and the shipowner has failed to make such delivery, and has also failed at the time of such offer to give the owner of the goods correct information of the time at which such goods can be delivered, then the shipowner shall, before landing or unshipping such goods under the power hereby given to him, give to the owner of the goods or of such wharf or warehouse as last aforesaid twenty-four hours notice in writing of his readiness to deliver the goods, and shall, if he lands or unships the same without such notice, do so at his own risk and expense.

If, when goods are landed, the shipowner give notice for that purpose, the lien for freight is to continue. 25 & 26 Vict. c. 63. s. 68.

340. If at the time when any goods are landed from any ship, and placed in the custody of any person as a wharfinger or warehouseman, the shipowner gives to the wharfinger or warehouseman notice in writing that the goods are to remain subject to a lien for freight or other charges payable to the shipowner to an amount mentioned in such notice, the goods so landed shall, in the hands of the wharfinger or warehouseman, continue liable to the same lien, if any, for such charges as they were subject to before the landing thereof; and the wharfinger or warehouseman receiving such goods shall retain them until the lien is discharged as hereinafter mentioned, and shall, if he fails so to do, make good to the shipowner any loss thereby occasioned to him.

Lien to be discharged on proof of payment. 25 & 26 Vict. c. 63. s. 69.

341. Upon the production to the wharfinger or warehouseman of a receipt for the amount claimed as due, and delivery to the wharfinger or warehouseman of a copy thereof or of a release of freight from the shipowner, the said lien shall be discharged.

Lien to be discharged on deposit with warehouseman. 25 & 26 Vict. c. 63. s. 70.

342. The owner of the goods may deposit with the wharfinger or warehouseman a sum of money equal in amount to the sum so claimed as aforesaid by the shipowner, and thereupon the lien shall be discharged; but without prejudice to any other remedy which the shipowner may have for the recovery of the freight.

Notice within 15 days to warehouseman, and consequent proceedings. 25 & 26 Vict. c. 63. ss. 71–2.

343. When such deposit as aforesaid is made with the wharfinger or warehouseman, the person making the same may, within fifteen days after making it, give to the wharfinger or warehouseman notice in writing to retain it, stating in such notice the sum, if any, which he admits to be payable to the shipowner, or, as the case may be, that he does not admit any sum to be so payable.

If no such notice is given, the wharfinger or warehouseman may, at the expiration of such fifteen days, pay the sum so deposited over to the shipowner.

If such notice is given, the wharfinger or warehouseman shall immediately apprize the shipowner of it, and shall pay or tender to him out of the sum deposited the sum, if any, admitted by such notice to be payable, and shall retain the remainder, or, if no sum is admitted to be payable, the whole of the sum deposited, for thirty days from the date of the said notice. At the expiration of such thirty days, unless legal proceedings have in the meantime been instituted by the shipowner against the owner of the goods to recover the said balance or sum, or otherwise for the settlement of any disputes which may have arisen between them concerning such freight or other charges as aforesaid, and notice in writing of such proceedings has been served on the wharfinger or warehouseman, the wharfinger or warehouseman shall pay the said balance or sum to the owner of the goods.

A wharfinger or warehouseman shall by any payment under this section be discharged from all liability in respect thereof.

After 90 days warehouseman may sell goods by public auction. 25 & 26 Vict. c. 63. s. 73.

344. If the lien is not discharged, and no deposit is made as herein-before mentioned, the wharfinger or warehouseman may, and, if required by the shipowner, shall, at the expiration of ninety days from the time when the goods were placed in his custody, or, if the goods are of a perishable nature, at such earlier period as he in his discretion thinks fit, sell by public auction, either for home use or exportation, the said goods or so much thereof, as may be necessary to satisfy the charges herein-after mentioned.

Notices of sale to be given. 25 & 26 Vict. c. 63. s. 74.

345. Before making such sale the wharfinger or warehouseman shall give notice thereof by advertisement in two local newspapers circulating in the neighbourhood, or in one daily newspaper published in London, and in one local newspaper, and also, if the address of the owner of the goods has been stated on the manifest of the cargo, or on any of the documents which have come into the possession of the wharfinger or warehouseman, or is otherwise known to him, give notice of the sale to the owner of the goods by letter sent by the post; but the title of a bonâ fide purchaser of such goods shall not be invalidated by reason of the omission to send notice as in this section mentioned, nor shall any such purchaser be bound to inquire whether such notice has been sent.

Money arising from sale, how to be applied. 25 & 26 Vict. c. 63. s. 75.

346. In every case of any such sale as aforesaid the wharfinger or warehouseman shall apply the money received from the sale as follows, and in the following order:

1. If the goods are sold for home use, in payment of any customs or excise duties owing in respect thereof:

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2. In payment of the expenses of the sale:
3. In payment of the charges of the wharfinger or warehouseman and the shipowner according to such priority as may be determined by the terms of the agreement (if any) in that behalf between them:
4. If there is no such agreement, in payment of the rent, rates, and other charges due to the wharfinger or warehouseman in respect of the said goods:
5. In payment of the amount claimed by the shipowner as due for freight or other charges in respect of the said goods;

and the surplus, if any, shall be paid to the owner ef the goods.

Warehouseman's rent and expenses. 25 & 26 Vict. c. 63. s. 76.

347. Whenever any goods are placed in the custody of a wharfinger or warehouseman, under the authority of this Act, the wharfinger or warehouseman shall be entitled to rent in respect of the same, and shall also have power from time to time, at the expense of the owner of the goods, to do all such reasonable acts as in the judgment of the said wharfinger or warehouseman are necessary for the proper custody and preservation of the said goods, and shall have a lien on the said goods for the said rent and expenses.

Warehousemen's protection. 25 & 26 Vict. c. 63. s. 77.

348. Nothing in this Act shall compel any wharfinger or warehouseman to take charge of any goods which he would not have been liable to take charge of if this Act had not been passed; nor shall he be bound to see to the validity of any lien claimed by any shipowner under this Act.

Saving for powers under local Acts. 25 & 26 Vict. c. 63. s. 78.

349. Nothing in this Act shall take away or abridge any powers given by any special Act to any harbour authority, body corporate, or persons whereby they are enabled to expedite the discharge of ships or the landing or delivery of goods; nor shall anything in this Act take away or diminish any rights or remedies given to any shipowner or wharfinger or warehouseman by any special Act.

Bills of Lading.

Rights under bills of lading to vest in consignee or endorsee. 18 & 19 Vict. c. 111. s. 1.

350. Every consignee of goods named in and every endorsee of a bill of lading to whom the property in the goods therein mentioned passes, upon or by reason of such consignment or endorsement, shall have transferred to and vested in him all rights of suit, and be subject to the same liabilities in respect of such goods as if the contract contained in the bill of lading had been made with himself.

Not to affect right of stoppage in transitu or

351. Nothing in the provisions of this Act respecting bills of lading, shall prejudice or affect any right of stoppage in transitu, or any right to claim freight against the original shipper or owner, or

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any liability of the consignee or endorsee by reason or in consequence of his being such consignee or endorsee, or of his receipt of the goods by reason or in consequence of such consignment or endorsement.

claims for freight. 18 & 19 Vict. c. 111. s. 2.

352. Every bill of lading in the hands of a consignee or endorsee for valuable consideration representing goods to have been shipped on board a vessel shall be conclusive evidence of such shipment as against the master or other person signing the same, notwithstanding that such goods or some part thereof may not have been so shipped, unless such holder of the bill of lading has had actual notice at the time of receiving the same that the goods had not been in fact laden on board: provided, that the master or other person so signing may exonerate himself in respect of such misrepresentation by showing that it was caused without any default on his part, and wholly by the fraud of the shipper, or of the holder, or some person under whom the holder claims.

Bill of lading in hands of consignee, &c., conclusive evidence of the shipment as against master, &c. 18 & 19 Vict. c. 111. s. 3.

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Liability of Shipowners.

PART V.

Liability of Shipowners Act.

Short title.

353. This Act may be cited as The Merchant Shipping Code Liability of Shipowners Act, 1870.

Incorporation of certain sections of General Provisions Act.

354. There shall be incorporated with this Act the sections of the Merchant Shipping Code (General Provisions Act), 1870, relating to Legal Procedure and Construction.

Extent of Act. 17 & 18 Vict. c. 104. s. 502.

355. This Act shall extend to the whole of Her Majesty's dominions.

Owner not liable in certain cases. 17 & 18 Vict. c. 104. s. 503.

356. The owner of any sea-going ship, British or foreign, or any share therein, shall not be liable to any extent whatever to make good any loss or damage happening on board his ship without his actual fault or privity,—

(1). To any goods or other things whatsoever on board his ship by reason of fire: or

(2.) To any gold, silver, diamonds, watches, jewels, or precious stones on board his ship, by reason of any robbery, embezzlement, removal, or secreting thereof, unless the true nature and value thereof has at the time of shipment been declared by the owner or shipper thereof to the owner or master of the ship in the bills of lading or otherwise in writing.

Limitation of owners liability where no fault or privity. 25 & 26 Vict. c. 63. s. 54.

357. The owner of any ship, whether British or foreign, shall not, in cases where all or any of the following casualties occur without his actual fault or privity; (that is to say,)

(1.) Where any loss of life or personal injury is caused to any person being carried in his ship;

(2.) Where any damage or loss is caused to any goods, or other things whatsoever on board his ship;

(3.) Where any loss of life or personal injury is by reason of the improper navigation of his ship caused to any person carried in any other ship or boat:

(4.) Where any loss or damage is by reason of the improper navigation of his ship caused to any other ship or boat, or to any goods or other thing whatsoever on board any other ship or boat;

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be answerable in damages in respect of loss of life or personal injury, either alone or together with loss of or damage to ships, boats, goods, or other things, to an aggregate amount exceeding fifteen pounds for each ton of his ship's tonnage, nor in respect of loss or damage to ships, goods, or other things, whether there be in addition loss of life or personal injury or not, to an aggregate amount exceeding eight pounds for each ton of his ship's tonnage; but shall be answerable as aforesaid, in respect of every distinct occasion on which any such casualty occurs, to the same extent as if no such casualty had occurred on any other occasion.

17 & 18 Vict. c. 104. s. 506.

For the purpose of estimating the tonnage of a ship for the purposes of this section the following exceptions shall be made from the regulations contained in the Merchant Shipping Law General Provisions Act, 1870, with respect to the ascertainment of tonnage; (that is to say),

(1.) The tonnage of a steam ship shall be the gross tonnage, without deduction on account of engine room:

(2.) In the case of a foreign ship the tonnage of which is not ascertained according to the said regulations, the surveyor general of tonnage in the United Kingdom, or the chief measuring officer of any British possession abroad, shall, on receiving from the court hearing the case in which the tonnage of such ship is in question such evidence concerning the dimensions of the ship as it may be practicable to furnish, give a certificate under his hand stating what would in his opinion have been the tonnage of such ship if she had been duly measured according to British law, and the tonnage so stated in such certificate shall for the purposes of this section be deemed to be the tonnage of such ship, subject to such correction, if any, as the court hearing the case may upon further evidence think fit to make.

Proceedings by the Board of Trade in case of loss of life or personal injury. 17 & 18 Vict. c. 104. s. 507.

358. Where any liability is alleged to have been incurred by the owner of any British ship in respect of loss of life or personal injury the Board of Trade may, in their discretion, after giving not less than three days notice to the party to be made defendant or defender, require, by warrant, the sheriff having jurisdiction over any place in the United Kingdom to summon a jury, at a time and place to be specified in such warrant, for the purpose of determining the following question; (that is to say,)

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The number, names, and descriptions of all persons killed or injured by reason of any wrongful act, neglect, or default:

And upon the receipt of such warrant the sheriff shall summon a jury of twenty-four indifferent persons, duly qualified to act as common jurymen in the superior courts, to meet at such time and place as aforesaid.

Either party may require question to be tried by a special jury. 17 & 18 Vict. c. 104. s. 508.

359. If either party to the inquiry desire any such question as aforesaid to be tried before a special jury, such question shall be so tried, provided that notice of such desire, if coming from the other party, is given to the Board of Trade before they have issued their warrant to the sheriff; and for that purpose the Board of Trade shall, by their warrant to the sheriff, require him to nominate a special jury for such trial; and thereupon the sheriff shall, as soon as conveniently may be after the receipt by him of such warrant, summon both the parties to appear before him, by themselves or their attorneys or agents, at some convenient time and place appointed by him, for the purpose of nominating a special jury; and at the place and time so appointed the sheriff shall proceed to nominate and strike a special jury, in the manner in which such juries are required by the laws for the time being in force to be nominated or struck by the proper officers of the superior courts; and the sheriff shall appoint a day, and shall on the day so appointed proceed to reduce the said special jury to the number of twenty, in the manner used and accustomed by the proper officers of the superior courts.

Provisions for conduct of proceedings. 17 & 18 Vict. c. 104. s. 509. 25 & 26 Vict. c. 63. s. 56.

360. The following provisions shall be applicable to the conduct of proceedings by the Board of Trade; (that is to say,)

(1.) The sheriff shall preside at such inquiry, and the Board of Trade shall be deemed in England and Ireland to be the plaintiff, and in Scotland the pursuer, both of which terms are herein-after included in the term plaintiff, with power to appoint any agent to act on their behalf, and shall have all such rights and privileges as the plaintiff is entitled to in actions at law; and the owner or owners of the ship or ships by whom such liability as last aforesaid is alleged to have been incurred shall be deemed in England and Ireland to be the defendant, and in Scotland the defender, both of which terms are herein-after included in the term defendant:

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(2.) Not less than ten days notice of the time and place of the inquiry shall be served by the Board of Trade on the defendant:

(3.) Service on the master of any ship shall be deemed good service on the owner thereof, and the master shall, in respect of the proceedings on such inquiry, be deemed the agent and representative of the owner, with power to appear for him on such inquiry, and to do all matters and things which he might himself have done:

(4.) If the defendant does not appear at the time of such inquiry, the same shall be proceeded with as if he had appeared, upon due proof of service of notice having been made on him in pursuance of this Act:

(5.) The empannelling of the jury and the summoning and attendance of witnesses shall be conducted and enforced in manner provided by the "Land Clauses Acts" in cases of disputed compensation as to land, or as near thereto as circumstances permit; and all provisions in the said Acts having reference to cases where any question of disputed compensation requires to be determined by the verdict of a jury shall, with the requisite alterations, be considered as incorporated with this part of this Act, and to have reference to cases where the question of the liability of any owner in respect of any such accident as aforesaid requires to be determined by the verdict of a jury:

(6.) In England and Ireland the sheriff shall, if the Board of Trade so require, or if the defendant so requires and the Board of Trade consent thereto, appoint as assessor a barrister-at-law of competent knowledge and standing:

(7.) The master's list or the duplicate list of passengers by any ship delivered to an officer of customs under the provisions of the Passengers Act, 1855, as amended by the Passengers Act Amendment Act, 1863, shall, in the absence of proof to the contrary, be sufficient evidence that the persons named as passengers in such lists respectively were passengers on board such ship at the time of their death or injury:

(8.) The costs incurred by all parties in and incidental to any such inquiry as aforesaid shall in England and Ireland be taxed by the master of one of Her Majesty's superior

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courts of common law, as between attorney and client, and in Scotland by the auditor of the Court of Session, as between agent and client; and shall, if the verdict in any inquiry is in favour of the plaintiff, be paid by the defendant, but if such verdict is in favour of the defendant be paid by the Board of Trade out of the Mercantile Marine Fund.

(9.) The payment of all damages and costs in any such inquiry as aforesaid shall, upon application made to such superior court as aforesaid by the party entitled thereto, be enforced by rule or order of such court or a judge thereof, or otherwise as such court or judge thinks fit:

(10.) The Board of Trade may make any compromise they think fit as to the damages payable in respect of personal injury, or of the death of any person; and any damages received in pursuance of such compromise shall, so far as the same extend, be applied in the same manner and be subject to the same rules as if the same were damages recovered on an inquiry instituted by the Board of Trade.

Rules as to damages, and application thereof. 17 & 18 Vict. c. 104. s. 510.

361. The following rules shall be observed as to the damages recovered in any such inquiry, and the application thereof; (that is to say,)

(1.) The damages payable in each case of death or injury shall be assessed at *thirty* pounds:

(2.) The damages found due on any such inquiry as aforesaid shall be the first charge on the aggregate amount for which the owner is liable, and shall be paid thereout in priority to all other claims:

(3.) All such damages as aforesaid shall be paid to Her Majesty's Paymaster General, and shall be distributed and dealt with by him in such manner as the Board of Trade direct; and in directing such distribution the Board of Trade shall have power in the first place to deduct and retain any costs incidental thereto; and, in the next place, as regards the sums paid in respect of injuries, shall direct payment to each person injured of such compensation, not exceeding in any case the statutory amount, as they think fit; and as regards the sums paid in respect of deaths, shall direct

payment thereof for the benefit of the husband, wife, parent, and child of the deceased, or any of them, in such shares, upon such evidence, and in such manner as the Board think fit:

(4.) The Board of Trade shall refund to the owner any surplus remaining under their control after making such distribution as aforesaid, and the sum so refunded shall form part of the residue herein-after mentioned:

(5.) The Board of Trade shall not, nor shall any person acting under them, be liable to any action, suit, account, claim, or demand whatsoever, for or in respect of any act or matter done or omitted to be done in the distribution of such damages as aforesaid:

(6.) If the amount paid to Her Majesty's Paymaster General in manner aforesaid is insufficient to meet the demands upon it, the several claims thereon shall abate proportionally.

Any person who is dissatisfied with the amount of statutory damage may bring an action on his own account. 17 & 18 Vict. c. 104. s. 511.

362. After the completion of such inquiry as aforesaid, if any person injured estimates the damages payable in respect of such injury, or if the executor or administrator of any deceased person estimates the damages payable in respect of his death, at a greater sum than such statutory amount, or in case of a compromise having been made by the Board of Trade, than the amount accepted by them by way of compensation for such injury or death as aforesaid, the person so estimating the same shall, upon repaying or obtaining the repayment by the Board of Trade to the owner of the amount paid by him to the Board of Trade in respect of such injury or death, be at liberty to bring an action for the recovery of damages in the same manner as if no power of instituting an inquiry had herein-before been given to the Board of Trade, subject to the following provisoes; (that is to say,) that,

(1.) Any damages recoverable by such person shall be payable only out of the residue, if any, of the aggregate amount for which the owner is liable, after deducting all sums paid to Her Majesty's Paymaster General in manner aforesaid; and,

(2.) If the damages recovered in such action do not exceed double the statutory amount, such person shall pay to the defendant in such action all the costs thereof, such costs to be taxed in England and Ireland as between attorney and client, and in Scotland as between agent and client.

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Effect on actions by individuals of proceedings by Board of Trade.
17 & 18 Vict. c. 104. ss. 512, 513.

363. Where the owner of any ship, British or foreign, is or is alleged to be liable in damages, in respect of loss of life or personal injury, and any person has brought any action or instituted any suit or other legal proceeding in the United Kingdom, and the Board of Trade institutes an inquiry under the provisions of this Act in respect of the subject-matter of such action, suit, or proceeding, such action, suit, or proceeding shall, on the application of the owner or of the Board of Trade, be stayed until after the inquiry is completed, and the damages and costs (if any) recovered on such inquiry shall be payable in priority to the costs and damages recovered in such action, suit, or proceeding:

Provided that if the person bringing such action or instituting such suit or proceeding has previously served on the Board of Trade a notice of his desire to bring such action, or to institute such suit or proceeding, and the Board of Trade does not, within one month after the service of such notice, institute any such inquiry, then

(1.) Such action, suit, or proceeding shall not, without the consent of such person, be stayed in pursuance of this section, although the Board of Trade subsequently institute such an inquiry:

(2.) The damages and costs (if any) recovered in such action, suit, or proceeding shall be payable rateably with and not subsequently to the damages and costs (if any) recovered in such inquiry.

Proceedings where several claims are apprehended.
17 & 18 Vict. c. 104. s. 514.

364. Where any liability is alleged to have been incurred by the owner of any British or foreign ship in respect of loss of life, personal injury, or loss of or damage to ships, boats, or goods, and several claims are made or apprehended in respect of such liability, such owner may make application to the court in this section mentioned, and such court may (subject to the right by this Act given to the Board of Trade to recover damages within the United Kingdom in respect of loss of life or personal injury) determine the fact of such owner's liability, and the amount thereof, and may distribute such amount rateably among the several claimants, and may stop all actions, suits, and proceedings pending in any other court in relation to the same subject matter, and may, for the purposes aforesaid, proceed in such manner, and subject to such regulations as to making persons interested parties to the proceedings, and as to the exclusion of any claimants who do not come in within a certain time, and as to requiring security from the owner, and as to payment of any costs, as the court thinks fit.

23 & 24 Vict. c. 126. s. 35.
24 & 25 Vict. c. 10. s. 13.

The application may be made to any superior court or any superior court of Admiralty, and also in any British possession to any court exercising Admiralty jurisdiction.

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Liability of master and seamen not affected.

365. Nothing in this Act shall be construed to lessen or affect any liability to which any master or seaman, being also owner or part owner of the ship to which he belongs, is subject in his capacity of master or seaman.

17 & 18 Vict. c. 104. s. 516.

Part owners to account in respect of damages.

366. All sums paid for or on account of any loss or damage in respect whereof the liability of owners is limited under the provisions of this Act, and all costs incurred in relation thereto, may be brought into account among part owners of the same ship in the same manner as money disbursed for the use thereof.

17 & 18 Vict. c. 104. s. 515.

Insurances of certain risks not invalid.

25 & 26 Vict. c. 63. s. 55.

367. Insurances effected against the happening, without the owner's actual fault or privity, of any or all of the events in respect of which the liability of owner is limited by this Act shall not be invalid by reason of the nature of the risk.

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PART VI.

Wreck and Salvage Act.

Preliminary.

Short title.

368. This Act may be cited as "The Merchant Shipping Code "(Wreck and Salvage Act), 1870."

Interpretation.

369. In this Act the words "the United Kingdom" include the Isle of Man, and the words "the limits of the United Kingdom" include any tidal water within the United Kingdom and the sea for a distance of three miles from the coasts thereof, and also any bay, estuary, arm of the sea, sand shoal, island, or place neighbouring thereto, over which Her Majesty has or may have any jurisdiction.

Incorporation of certain sections of General Provisions Act.

370. There shall be incorporated with this Act the sections of the Merchant Shipping Law (General Provisions Act), 1870, relating to "legal procedure," "orders in council," "inspectors," "detention of ships," and "construction."

Inquiries into Shipping Casualties.

Preliminary inquiries into shipping casualties may be made by receivers.
17 & 18 Vict. c. 104. ss. 432, 448.

371. In case of any of the events following (in this Act referred to as shipping casualties); that is to say:—

(1.) Where within the limits of the United Kingdom any British or foreign ship or boat is or has been in distress, or lost, wrecked, stranded, abandoned, or damaged, or has been in collision with any British or foreign ship or boat:

(2.) Where without the limits of the United Kingdom any British ship or boat is or has been in distress, or lost, wrecked, stranded, abandoned, or damaged, or has been in collision with any British or foreign ship or boat, and any witness is found within the United Kingdom:

the receiver for the district where such shipping casualty happens, if the same happen within the limits of the United Kingdom, or if the same happen without the limits of the United Kingdom the receiver for the district where such witness is found, may in the manner provided by this Act make a preliminary inquiry respecting such shipping casualty, and the causes thereof, and the circumstances attending the same.

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Manner of conducting preliminary inquiries by receiver. 17 & 18 Vict. c. 104. ss. 432, 448, 449.

372. For the purposes of any such preliminary inquiry as aforesaid the receiver may examine any person belonging to the ship or boat, and any person able to give an account of the shipping casualty, or of the ship or boat, or the cargo, stores, tackle, persons, and property on board, and may require production of the logs and other papers of the ship or boat.

The receiver shall examine each witness on oath and shall take down in writing and sign the examinations, including therein any extracts which he thinks fit to make from the logs or other papers, and may require the witnesses to sign their examinations respectively, and shall transmit such examinations and extracts to the Board of Trade.

Any examinations (with the extracts from logs or papers included therein) taken in pursuance of this section, purporting to be signed by the person taking the same, and also any copy thereof purporting to be certified by the Board of Trade to be a true copy under their seal or under the hand of one of their secretaries or assistant secretaries, shall in all courts and before any person having by law or consent authority to take evidence, be admissible as evidence of any matter contained therein relative to the casualty, and the causes thereof, and the circumstances attending the same, whether or not such matter was material to the inquiry by the receiver.

Any witness of a shipping casualty found at a place other than the place where a preliminary inquiry respecting such casualty is or may be held may be examined by a receiver or other person appointed by the Board of Trade at the place where such witness is found.

Subject to the provisions of this section, every such preliminary inquiry shall be held and all such examinations and extracts shall be taken and transmitted in such manner and subject to such regulations as the Board of Trade may from time to time prescribe, and any such preliminary inquiry may, if the said Board think fit, be conducted by some other person, whether a receiver or not, appointed by them instead of the receiver for the district; and any person so appointed shall for the purposes of such inquiry have the same powers, duties, and authorities as a receiver.

Statements to be made by the master of a British ship to which a shipping casualty has happened.

373. Whenever a shipping casualty happens in the case of a British ship or boat, the master, or if the master is dead the chief surviving officer, and also every such other person belonging to the ship or boat as the Board of Trade may from time to time appoint, shall upon first landing in the United Kingdom after the happening of such casualty, and within twenty-four hours of such landing, attend and

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submit himself for examination at the office of the receiver for the district where the place of such landing is situate, unless he has been previously examined or excused from attending for examination by a receiver; and if any master, officer, or other person makes default in obeying the provisions of this section he shall incur a penalty not exceeding *fifty pounds*.

Notice of loss of British ships to be given to the Board of Trade. 17 & 18 Vict. c. 104. s. 327.

374. Whenever the owner of any British ship has information that such ship is lost, or in consequence of her non-arrival, or otherwise, has reason to apprehend that she is lost, he shall as soon as may be, send notice of such loss or apprehended loss to the Board of Trade, and shall further upon requisition by the said Board furnish to them such information as he may be required and able to furnish respecting such ship and the loss thereof and the property and persons on board, and if he makes default in obeying the provisions of this section he shall incur a penalty not exceeding *fifty pounds*.

Examination of persons belonging to foreign ships, by consent of foreign government.

375. Where it is made to appear to Her Majesty in Council that the government of any foreign country is willing that the provisions of this Act for the examination of persons belonging to foreign ships to which any shipping casualty happens within the limits of the United Kingdom should extend to cases where such casualty happens to ships or boats of that country in any places without the limits of the United Kingdom, Her Majesty may, by Order in Council, direct that the said provisions shall extend to such cases accordingly, and the said provisions shall thereupon extend to such cases in the same manner as if the casualty had happened within the limits of the United Kingdom.

Formal investigation of shipping casualties. 17 & 18 Vict. c. 104. s. 433.

376. Where it appears to the Board of Trade, either upon or without a preliminary inquiry by a receiver or other person, that a formal investigation of any such shipping casualty, and of the causes thereof, and of the circumstances attending the same, is expedient to be made, the Board of Trade may direct such investigation to be held, and determine the place for the holding of such an investigation. Such investigation shall be held by the local court following, namely, by the judge of the local court of Admiralty (if any) having jurisdiction in such place, or if there is none, by a court of summary jurisdiction.

17 & 18 Vict. c. 104. s. 433–7. 25 & 26 Vict. c. 63. s. 23.

Where nautical or engineering skill and knowledge are required for the purposes of any such investigation, the superior court of Admiralty shall, on the application of the Board of Trade, or of the said local court, appoint some person or persons of nautical or

engineering skill and knowledge to act as assessor or assessors in such investigation, and such assessor or assessors shall form part of the said court.

The superior court of Admiralty may make rules and regulations for the conduct of such investigations by local courts within its jurisdiction.

The local court shall hold in open court an investigation of the casualty, and of the causes thereof, and of all the circumstances attending the same, in such manner and under such conditions, and according to such rules with respect to the admission of evidence, or otherwise, as may be prescribed for the conduct of such investigations by superior court of Admiralty, and subject thereto as the local court may think most effectual for ascertaining such causes and circumstances and enabling them to make the report in this section mentioned.

The Board of Trade may appoint a person to superintend the management of the case on their behalf, and it shall be the duty of such person to render to the court such assistance as is in his power.

The court shall make a report, stating the causes of the casualty and all the circumstances attending the same, and whether the same was due wholly or partly to the act or default of any person or persons, or to circumstances beyond the control of any person.

They may state in the report such extracts from and observations on the evidence as they think fit, and shall state any matters arising out of the investigation of which they think the Board of Trade should be informed.

Such report shall be read in open court, and shall forthwith be sent to the Board of Trade, and the said Board may, if they see fit, publish the same.

Such report shall be signed by all members of the court, and if any member of the court dissent from such report he shall state in writing such dissent and his reasons for the same.

The court may make such order as the court may think fit respecting the costs and expenses of the investigation; and such order shall, on the application of any party entitled to the benefit of the same to any superior court or a judge thereof, be enforced by such superior court or judge as if the costs and expenses were costs in such court.

For the purposes of this section, the court holding any such investigation shall, in addition to their ordinary powers when acting as a court in the exercise of their ordinary jurisdiction, have all the powers of inspectors appointed by the Board of Trade.

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When the investigation is to be held in Scotland the Board of Trade may, if they think fit, remit the same to the Lord Advocate to be prosecuted in such manner and with such assistance as he may direct.

The legislature of a British possession may provide for investigations of shipping casualties.

377. The legislature of any British possession may, by an Act or Ordinance, make provision for holding inquiries and investigations respecting shipping casualties happening either within or beyond the territorial limits of such possession, and for the attendance and examination of witnesses at such inquiries and investigations; provided that every such Act or Ordinance shall be void so far as it is enacted under this section unless it be reserved for the signification of Her Majesty's pleasure, or contains a suspending clause, providing that such Act or Ordinance shall not come into operation until Her Majesty's pleasure thereon has been publicly signified in the British possession in which it has been passed.

Vessels in Distress.

Aid of vessels stranded or in distress.

17 & 18 Vict. c. 104. s. 441.

378. Where any British or foreign ship or boat is wrecked, stranded, or in distress at any place within the limits of the United Kingdom, the receiver shall, upon being made acquainted with such stranding or distress, forthwith proceed to such place, and upon his arrival there he shall take the command of all persons present, and shall assign such duties to each person and issue such directions as he thinks fit for the preservation of such ship or boat, and of the lives of the persons belonging to or on board the same (in this Act referred to as shipwrecked persons), and of the cargo, stores, and tackle thereof, and of the property of such persons, and of all parts of the ship and boat separated therefrom (which cargo, stores, tackle, property, and parts are in this Act included under the expression wreck).

Any person wilfully disobeying such directions of the receiver shall incur a penalty not exceeding *fifty pounds*; but the receiver shall not interfere between the master and the crew of the ship or boat in reference to the management or preservation thereof, unless he is requested to do so by the master.

Powers of the receiver in case of vessels stranded or in distress.

379. The receiver may, with a view to the preservation of the ship or boat, or of the shipwrecked persons or wreck, do all or any of the following things, that is to say,—

(1.) Summon such persons as he thinks necessary to assist him:

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17 & 18 Vict. c. 104. s. 442.

(2.) Require the master of any ship or boat near at hand to give such aid with his men, ship, or boat as may be in his power:

(3.) Demand the use of any waggon, cart, horses, tackle, ropes, or appliances that may be near at hand:

And any person refusing, without reasonable cause, to comply with any summons, requisition, or demand so made as aforesaid, shall, for every day on which he refuses, incur a penalty not exceeding *one hundred pounds;* but no person shall be liable to pay any duty in respect of any such waggon, cart, or horses, by reason only of the user of the same under this section.

Power to pass over adjoining lands.

17 & 18 Vict. c. 104. s. 446.

380. Whenever any ship or boat is wrecked, stranded, or in distress within the limits of the United Kingdom all persons may, for the purpose of rendering assistance to such ship or boat, or of saving the lives of the shipwrecked persons or wreck, unless there is some public road equally convenient, pass and repass, either with or without carriages or horses, over any adjoining lands, without being subject to interruption by the owner or occupier, so that they do as little damage as possible, and may also, on the like condition, deposit on such lands any wreck saved.

All damage that may be sustained by any owner or occupier in consequence of any such passing or repassing or deposit as aforesaid shall be a charge on the ship, boat, or wreck in respect of or by which such damage was occasioned, and shall, in default of payment, be recoverable in the same manner as salvage is by this Act made recoverable; and the amount payable in respect thereof shall, in case of dispute, be determined in the same manner as the amount of salvage is by this Act, in case of dispute, directed to be determined.

If the owner or occupier of any land over which any person is hereby authorized to pass or repass does any of the acts following, by himself or his servants, that is to say,—

(1.) Impedes or hinders such person from so passing or repassing, with or without carriages, horses, and servants, by locking his gates, or refusing, upon request, to open the same, or otherwise howsoever; or

(2.) Impedes or hinders the deposit of any wreck; or

(3.) Prevents such wreck from remaining so deposited for a reasonable time until the same can be removed to a safe place of public deposit;

he shall for every such act incur a penalty not exceeding *one hundred pounds.*

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Power of receiver to suppress plunder and disorder by force.
17 & 18 Vict. c.104. s. 444.

381. Whenever any ship or boat is wrecked, stranded, or in distress within the limits of the United Kingdom, and any person plunders, creates disorder, or obstructs the preservation of the ship or boat or of the shipwrecked persons or wreck, the receiver may cause such person to be apprehended, and may use force for the suppression of any such plundering, disorder, or obstruction, and may command all Her Majesty's subjects to assist him in the use of such force; and if, when the receiver or any person acting under his orders is engaged in the execution of the duties by this Act committed to the receiver, any person resists such receiver or person, and is killed, maimed, or hurt by reason of such resistance, such receiver and other person are hereby fully indemnified as well against Her Majesty as against every person so maimed or hurt, and the representatives of any person so killed.

In case of a ship plundered by a tumultuous assemblage, the hundred to be liable for damages.
17 & 18 Vict. c. 104. s. 477.

382. Where any ship or boat is wrecked, stranded, or in distress within the limits of the United Kingdom, and such ship or boat, or any wreck belonging to or separated therefrom, is plundered, damaged, or destroyed by any persons riotously and tumultuously assembled together, whether on shore or afloat, full compensation shall be made to the owner of such ship, boat, and property, as follows; (that is to say,)

In England by the inhabitants of the hundred, wapentake, ward, or district in the nature of a hundred, by whatever name denominated, in or nearest to which the said offence is committed, in manner provided by an Act of the session of the seventh and eighth years of the reign of King George the Fourth, chapter thirty-one, and Acts amending the same, in case of the destruction of churches and other buildings by a riotous assemblage, or as near thereto as circumstances permit:

In Ireland by the inhabitants of the county, county of a city or town, barony, town or towns, parish or parishes, in or nearest to which such offence is committed, in manner provided by an Act of the session of the third and fourth year of the reign of King William the Fourth, chapter thirty-seven, and Acts amending the same, for the recovery of satisfaction and amends for the malicious demolition of or injury to churches, chapels, and other buildings used for religious worship, or as near thereto as circumstances permit:

In Scotland by the inhabitants of the county, city, or borough in or nearest to which such offence is committed, in manner provided by an Act of the first year of King George the First, statute two, chapter five, and Acts amending the same, with

respect to prosecutions for repairing the damages of any churches and other buildings, or as near thereto as circumstances permit.

Power of master to repel boarding by force. 17 & 18 Vict. c. 104. s. 478.

383. Whenever any ship or boat is wrecked, stranded, or in distress within the limits of the United Kingdom any person not being a receiver, or a person acting for or under the orders of a receiver, who, without the leave of the master of such ship or boat, endeavours to board the same, may be repelled by force, and the master and any person under his orders so repelling such person by force is hereby indemnified for so doing.

Certain officers to exercise powers of receiver in his absence. 17 & 18 Vict. c. 104. s. 445.

384. Where a receiver is not present, the following officers or persons in succession, each in the absence of the other, in the order in which they are named, (that is to say,) any officer of the Board of Trade, principal officer of customs, principal officer of the coast guard, officer of inland revenue, sheriff, justice of the peace, commissioned officer on full pay in the naval service of Her Majesty, or commissioned officer on full pay in the military service of Her Majesty, may do all matters and things by this Act authorized to be done by the receiver for the preservation of ships and boats, and shipwrecked persons, and wreck, with this exception, that, with respect to any wreck, the delivery of which to the receiver is herein-before required, any officer so acting shall be considered as the agent of the receiver, and shall place the same in the custody of the receiver; and he shall not be entitled to any fees payable to receivers, or be deprived by reason of his so acting of any right to salvage to which he would otherwise be entitled.

Any person acting under the order of an officer or person acting in pursuance of the provisions of this section shall for the purposes of this Act be deemed to be acting under the orders of a receiver.

Wreck.

Rules for persons finding wreck in the United Kingdom. 17 & 18 Vict. c. 104. ss. 443. 450.

385. Where any person takes possession of wreck within the limits of the United Kingdom he shall as soon as possible deliver the same to the receiver: Provided that the Board of Trade may, if they think fit, dispense with such delivery in the case of any wreck, upon such conditions, if any, as the said Board thinks fit.

Any person taking possession of wreck within the limits of the United Kingdom who—

(1.) Fails to deliver the same to the receiver, in pursuance of this section, or who

(2.) In a case where the Board of Trade has dispensed with such delivery upon any conditions, does not either comply

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with such conditions or deliver the wreck to the receiver as soon as possible,

shall forfeit any claim to salvage, and shall be liable to pay as a penalty double the value of such wreck, and a further sum not exceeding *one hundred pounds*, such penalty to be recoverable by summary proceedings or otherwise, so, however, that no penalty recovered summarily shall exceed *fifty pounds*.

Rules as to wreck found at sea.

386. Where any wreck is taken possession of at sea beyond the limits of the United Kingdom by any British ship or boat, the master of such ship or boat shall act as follows:—

(1.) If while the wreck is in his possession he touches at any port or place where there is a British consular officer, he shall make a report of the wreck to such consular officer, and shall conform to his directions in respect thereof:

(2.) If he arrives in the United Kingdom in possession of the wreck, he shall deliver it to the receiver of the district in which the port or place at which he first arrives is situate:

(3.) If before he arrives in the United Kingdom he disposes of the wreck, whether under the direction of a consular officer or otherwise howsoever, he shall upon first arriving in the United Kingdom give an account of the wreck, and of the manner, and of the price, if any, in and for which he has disposed of the same, to the receiver of the district in which the port or place at which he first arrives is situate.

Any person making default in obeying the provisions of this section shall be liable, on conviction, to pay as a penalty double the value of the wreck, and a further sum not exceeding two hundred pounds, such penalty to be recoverable by summary proceedings, or otherwise; so, however, that no penalty recovered summarily shall exceed *one hundred pounds*.

Notice of wreck to be given by receiver.

17 & 18 Vict. c. 104. s. 452.

387. Every receiver shall, within forty-eight hours after taking possession of any wreck, cause to be posted up in the custom house nearest to the place where such wreck was found or was seized by him, or, if found at sea, was delivered to him, a description of the same and of any marks by which it is distinguished, and shall also transmit a similar description to the secretary of the committee for managing the affairs of Lloyd's in London, and to such other persons as the Board of Trade may from time to time direct; and such secretary shall post up the description so sent, or a copy

thereof, in some conspicuous place, for inspection by any person desirous of examining the same. A.D. 1870.

Owner may claim wreck within one year. 17 & 18 Vict. c. 104. s. 470. 18 & 19 Vict. c. 91. s. 19.

388. The owner of any wreck in the possession of the receiver, upon establishing his claim to the same to the satisfaction of the receiver or of the Board of Trade within one year from the time at which such wreck came into the possession of the receiver, shall, upon paying the salvage, fees, and expenses due, be entitled to have such wreck or the proceeds thereof delivered up to him or his agent; and where any such wreck is proved, to the satisfaction of the receiver or of the Board of Trade, to belong to a foreign owner, the consul general of the country to which the owner of such wreck belongs, or any consular officer of that country authorized in that behalf by any treaty or arrangement with such country, shall, in the absence of the owner or his agent, be deemed to be the agent of the owner, so far as relates to the custody and disposal of the wreck.

Power to receiver to sell wreck in certain cases. 17 & 18 Vict. c. 104. ss. 453. 469.

389. With respect to the sale of wreck the following provisions shall have effect; that is to say,—

(1.) Where in the opinion of the receiver it is for the advantage of all parties to sell wreck in his custody he may sell the same, and the proceeds of such sale, after defraying the expenses thereof, shall be held by the receiver for the same purposes and subject to the same claims, rights, and liabilities as if the wreck had remained unsold:

(2.) Where the owner of any wreck is known or has established his title to the same, but neglects to pay the salvage, fees, or expenses due thereon for twenty days after notice in writing from the receiver, the receiver may sell such wreck, or a sufficient part thereof, and may out of the proceeds of such sale, after defraying the expenses of sale, pay the salvage, fees, and expenses due, and shall pay or deliver the surplus, if any, of the proceeds or of the wreck to the persons entitled to receive the same.

A receiver, or other person on his behalf, selling wreck under the provisions of this Act shall not on that account be required to have any licence as an auctioneer, or be liable to any duty imposed on persons selling by auction or competition.

Unclaimed Wreck.

Notice of unclaimed wreck to be given to franchisers of wreck.

390. Where any admiral, vice-admiral, lord of a manor, heritable proprietor duly infeft, or other person, is entitled for his own use to unclaimed wreck found on any place within the district of a receiver, and has proved to the satisfaction of the Board of Trade

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17 & 18 Vict. c. 104. s. 454. 501.

his title to such unclaimed wreck, he may deliver to such receiver a statement containing the particulars of his title, and an address to which notices may be sent, and the receiver shall forward the same to the Board of Trade, and whenever the receiver takes possession of any wreck found on such place, he shall send to such address, within forty-eight hours after so taking possession, a description of such wreck and of any marks by which it is distinguished.

Disposal of unclaimed wreck.

17 & 18 Vict. c. 104. ss. 471. 475. 25 & 26 Vict. c. 63. s. 53.

391. Where no owner establishes a claim to any wreck in the possession of a receiver within one year after it came into his possession, the wreck shall, after payment of expenses, costs, fees, and salvage, be dealt with as follows; that is to say,—

(1.) If claimed by any admiral, vice-admiral, lord of a manor, heritable proprietor, or other person who has given notice as in this Act provided, and has proved to the satisfaction of the Board of Trade his title to receive unclaimed wreck found at the place where such wreck was found, the same shall be delivered to him or his agents:

(2.) If claimed in right of Her Majesty's duchy of Lancaster, the same shall be delivered to the receiver-general of that duchy or his deputies as part of the revenues of that duchy:

(3.) If claimed in right of the duchy of Cornwall, the same shall be delivered to the receiver-general of that duchy or his deputies as part of the revenues of that duchy:

(4.) In other cases the wreck, if unsold, shall be sold by such persons and in such manner as the Board of Trade may direct, and the proceeds thereof shall be payable to Her Majesty, her heirs and successors, and during the life of Her Majesty shall be carried to the Consolidated Fund in such manner as the Treasury may from time to time direct, and afterwards shall be disposed of according to the provisions of the Acts, if any, for the time being in force relating to those revenues.

The provisions of this section shall be subject to the provisions of this Act for the purchase and transfer to the Board of Trade of rights and interests to and in wreck.

Disputed title to unclaimed wreck.

17 & 18 Vict. c. 104. ss. 472. 473.

392. Where any dispute arises between the Crown or any admiral, vice-admiral, lord of a manor, heritable proprietor, or other person, and the receiver or any other person, respecting title to wreck found at any place, the local Admiralty Court shall have jurisdiction to hear and determine such dispute in the same manner as if it were a dispute as to salvage within the jurisdiction of such

court; but if any party to such dispute is unwilling to have the same heard and determined by the local Admiralty Court, or feels aggrieved by the decision of such court, he may take proceedings in any court having jurisdiction in the matter for establishing his title; provided that if such dispute has been heard and determined in a local Admiralty Court, such proceedings shall not be taken in another court unless within six months after the date of such determination. A.D. 1870.

Delivery of unclaimed wreck by receivers not to prejudice title. 25 & 26 Vict. c. 63. s. 52.

393. Upon delivery of wreck or payment of the proceeds of wreck by a receiver, in pursuance of the provisions of this Act, such receiver shall be discharged from all liability in respect thereof, but neither such delivery nor any acknowledgment by the Board of Trade or by a receiver shall prejudice or affect any question which may be raised by third parties concerning such wreck, or which may be raised by any person concerning the right to unclaimed wreck found at the place where such wreck was found, or concerning the title to the soil of such place.

Interpleader in case of wreck.

394. In any case where two or more persons claim any wreck or proceeds of wreck, of what value or amount soever, in the possession of a receiver, a local Admiralty Court having jurisdiction in the district of such receiver may, on the application of such receiver or of any of such persons, summon such persons before it, and may hear and adjudicate upon their claims, and may make such order between the parties in respect thereof, and of the costs of the proceedings, as to such court may seem fit; and such order may be enforced in like manner as any order made in any suit brought in the said court.

Power to Board of Trade to purchase rights to wreck. 17 & 18 Vict. c. 104. s. 474.

395. The Board of Trade may, with the consent of the Treasury, out of the revenue arising under this Act, purchase any rights to or interests in unclaimed wreck possessed by any person other than Her Majesty; and for the purpose of such purchases the provisions of the Lands Clauses Acts, relating to the purchase of lands by agreement, shall be incorporated with this Act, and in the construction of those Acts for the purposes of this section this Act shall be deemed to be the special Act, and any such rights to wreck as aforesaid shall be deemed to be an interest in land authorized to be taken by the special Act, and the Board of Trade shall be deemed to be the promoters of the undertaking; but the Board of Trade shall not purchase any rights to or interests in unclaimed wreck at a greater price than *ten* years purchase of the annual value of the same, calculated on the average of the *ten* years next preceding the agreement to purchase the same.

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Disposal of royal fish.

396. All the rights of Her Majesty in and to royal fish found or taken within the limits of the United Kingdom shall be transferred to and vest in the Board of Trade; and the said Board may grant or dispose of any such fish, the right to which is hereby vested in them, to the finders or captors thereof, in such manner and subject to such regulations as the said Board thinks fit.

Admiral not to interfere with wreck. 17 & 18 Vict. c. 104. s. 440.

397. No admiral, vice-admiral, or other person, under whatever denomination, exercising Admiralty jurisdiction, shall, as such, by himself or his agents, receive, take, or interfere with any wreck or royal fish.

Disposal of unclaimed wreck in British possessions.

398. Her Majesty may, by Order in Council, direct that wreck found on or near the coasts of any British possession, and unclaimed, shall be applied to such shipping purposes as the legislature of such possession may, by any Act or Ordinance, appoint; but every such Act or Ordinance, so far as it relates to such wreck, shall be void, unless it either be reserved for the signification of Her Majesty's pleasure, or contain a suspending clause, providing that such Act or Ordinance shall not come into operation until Her Majesty's pleasure thereon has been publicly signified in the British possession in which it has been passed.

Marine Store Dealers.

Regulations for marine store dealers. 17 & 18 Vict. c. 104. ss. 480., 481., 482.

399. Every person dealing in, buying, and selling any of the articles following, that is to say, old anchors, cables, sails, junk, or iron, or marine stores of any kind, shall conform to the following regulations:

(1.) He shall have his name, together with the words "dealer in marine stores," distinctly painted, in letters of not less than three inches in length and two inches in breadth, on some conspicuous part of each warehouse and place of deposit belonging to him:

(2.) He shall keep a book or books fairly written, and shall enter therein an account of all such articles which he may from time to time become possessed of, and a statement in respect of each article, describing the character thereof and of any marks thereon, and of the time at which and the person from whom he purchased or received the same, and a description of the business and place of abode of such person:

(3.) He shall not by himself or his agents purchase marine stores of any description from any person apparently under the age of sixteen years:

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(4.) He shall not cut up or unlay any cable or similar article exceeding five fathoms in length or any sail until the expiration of forty-eight hours after he has obtained such written permit as is herein-after mentioned from the receiver for the district in which he carries on business:

(5.) He shall at all times, when required by such receiver, whether or not the receiver has a warrant for search or inspection, produce and deliver up to the receiver every book kept in pursuance of the provisions of this Act, and shall allow such receiver to inspect and take copies of the same:

And every person making default in observing the regulations aforesaid shall for the first offence incur a penalty of not more than *ten pounds;* and shall for every subsequent offence incur a penalty of not more than *fifty pounds.*

Manner of obtaining permit to cut up cables and sails.
17 & 18 Vict. s. 481.

400. In order to obtain such permit as aforesaid, a dealer in marine stores shall make a declaration before the receiver for the district where such dealer resides, containing the following particulars; that is to say,

(1.) A statement of the quality and description of the cable, sail, or other like article about to be cut up or unlaid:

(2.) A statement of the name and description of the person from whom he purchased or received the same:

And it shall be lawful for the receiver, upon such declaration being made, to grant a permit authorizing him to cut up or unlay such cable, sail, or other like article.

Permit to be advertised before dealer proceeds to act thereon.
17 & 18 Vict. s. 482.

401. A dealer in marine stores who has obtained such permit as aforesaid shall not proceed by virtue thereof to cut up or unlay any cable, sail, or other like article until he has for the space of one week at the least before doing any such act, published in some newspaper published nearest to the place where he resides, one or more advertisements, notifying the fact of his having so obtained a permit, and specifying the nature of the cable, sail, or other article mentioned in the permit, and the place where the same is deposited, and the time at which the same is intended to be so cut up or unlaid; and if any person suspects or believes that such cable, sail, or other article is his property he may apply to any justice of the peace for a warrant; and such justice of the peace may, on the applicant making oath, or, if a person entitled to make an affirmation, making an affirmation in support of such his suspicion or belief, grant a warrant, by virtue whereof the applicant shall be entitled to require the production by such dealer as aforesaid, of the

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cable, sail, or other article mentioned in the permit, and also of the book of entries herein-before directed to be kept by every dealer in marine stores, and upon such cable, sail, or other article and book of entries being produced to inspect, and examine the same; and if any dealer in marine stores makes default in complying with any of the provisions of this section, he shall for the first offence incur a penalty not exceeding *twenty pounds*, and for every subsequent offence a penalty not exceeding *fifty pounds*.

Offences in respect of Wreck.

Felonies in respect of wrecks.

402. Every person who does any of the acts following; that is to say,

24 & 25 Vict. c. 100. s. 17.

(1.) Wilfully prevents or impedes any shipwrecked person in his endeavour to save his life, or wilfully prevents or impedes any person in his endeavour to save the life of any shipwrecked person;

17 & 18 Vict. c. 104. s. 478.

(2.) Wilfully prevents or impedes the saving of any ship or boat which is wrecked, stranded, abandoned, or in distress;

24 & 25 Vict. c. 96. s. 64. c. 97. s. 49.

(3.) Steals or maliciously destroys any wreck; or

17 & 18 Vict. c. 104. s. 479.

(4.) Sells on the high seas or in any foreign port or place any such ship, boat, or wreck found within the limits of the United Kingdom, not having a lawful title thereto;

shall be deemed to be guilty of felony, and on conviction thereof shall be liable to be kept in penal servitude for a term not exceeding *fourteen years*, or to be imprisoned for any time not exceeding *two years*, with or without hard labour.

Misdemeanors in respect of wrecks.

403. Every person who does any of the acts following; that is to say,

17 & 18 Vict. c. 104. s. 478.

(1.) Boards any ship or boat which is wrecked, stranded, abandoned, or in distress, against the will of the master, unless the person so boarding is, or acts by command of, the receiver;

24 & 25 Vict. c. 100. s. 37.

(2.) Assaults any receiver or any person acting as a receiver in the exercise of his duty for the preservation or assistance of any such ship, boat, or of wreck, or assaults any person acting by command of a receiver in the exercise of his duty as aforesaid;

(3.) Wilfully prevents or impedes the saving of any wreck;

17 & 18 Vict. c. 104. s. 478.

(4.) Secretes any wreck, or defaces or obliterates the marks thereon, or uses means to disguise the fact that it is wreck,

or in any manner conceals the character thereof, or the fact that the same is such wreck, from any person entitled to inquire into the same;

(5.) Receives any wreck, knowing the same to be wreck, from any person other than the owner thereof or the receiver, and does not within forty-eight hours inform the receiver thereof; or

(6.) Knowingly sells or otherwise deals with any wreck within the limits of the United Kingdom, not having a lawful title to sell or deal with the same; or 24 & 25 Vict. c. 96. s. 66.

(7.) Knowingly keeps in his possession any wreck, without a lawful title so to keep the same, for any time longer than the time reasonably necessary for the delivery of the same to the receiver; 24 & 25 Vict. c. 96. s. 65.

shall be deemed to be guilty of a misdemeanor, and on conviction thereof shall be liable to be imprisoned for any time not exceeding *two years*, with or without hard labour; or, on summary conviction, shall be liable to be imprisoned for a period not exceeding *six months*, or to pay a penalty not exceeding *one hundred pounds*.

Venue and evidence in prosecutions for offences in respect of wrecks. *See* 24 & 25 Vict. c. 96. ss. 65, 66.

404. Any person charged with a felony or misdemeanor under this Act may be indicted and prosecuted and the venue may be laid in any county; and in any indictment or prosecution under this Act, for any felony or misdemeanor in respect of wreck, it shall not be necessary to lay the property in any person, or to identify the alleged wreck as part of any particular ship or boat, or wreck coming from any particular ship or boat, or as the property of any particular person.

In any indictment or prosecution for receiving, secreting, disguising, defacing, obliterating marks on, or for the possession of, or for selling or dealing with any wreck, unless the accused shows that he was possessed of the same for more than twelve months before the date of the indictment or the commencement of the prosecution, it shall lie upon him to show that he did not know and had not the means of knowing the same to be such wreck, or that he was lawfully possessed of or entitled to sell or deal with the same; and in any indictment or prosecution for secreting, defacing, receiving, possessing, selling, dealing with, or concealing the character of any wreck, evidence may be given, either before or after verdict, of any former conviction of the accused for any of the said offences.

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Summary procedure for concealment of wreck.

17 & 18 Vict. c. 104. s. 451. See 24 & 25 Vict. c. 110. 24 & 25 Vict. c. 96. ss. 65, 66.

405. Where a receiver suspects that any wreck is secreted or concealed by or wrongfully in the possession of any person, he may apply to any justice of the peace for a search warrant, and such justice shall have power to grant such warrant, by virtue whereof it shall be lawful for the receiver to enter, and if need be by force, any house, building, and place, whether enclosed or unenclosed, and any ship or boat, and to search for, remove, and detain any wreck there kept or secreted, and if any wreck is discovered, and the person in whose possession the same is found fails, on being summoned to appear before two justices, to prove to the satisfaction of such justices that he was lawfully entitled to the possession of such wreck, he shall be liable to a penalty not exceeding *twenty pounds* for the first offence, and for every subsequent offence shall be liable at the discretion of the justices, either to a penalty not exceeding *fifty pounds* or to imprisonment with hard labour for any period not exceeding *three months;* but the justices may, if they think fit, commit him for trial for a misdemeanor under this Act. If any such discovery as aforesaid is made in consequence of information given by any person to the receiver, the informer shall be entitled, by way of salvage, to such sum not exceeding twenty pounds as the receiver may allow.

Salvage.

Salvage shall be payable for saving life.

17 & 18 Vict. c. 104. ss. 458, 459.

406. Where services are rendered wholly or in part within British jurisdiction in saving life from any British or foreign ship or boat, or elsewhere in saving life from any British ship or boat, there shall be payable to the salvor by the owner of the ship or boat, freight, cargo, stores, and tackle, a reasonable sum for salvage and expenses, in priority to all other claims, if any, for salvage; and in cases where such ship or boat, stores, tackle, and cargo, are destroyed, or the value thereof, with the freight, if any, is insufficient, after payment of the actual expenses incurred, to pay the amount of such salvage, the Board of Trade may, in their discretion, award to the salvor, out of the mercantile marine fund, such remuneration as they think fit.

Salvage of life from foreign vessels out of British jurisdiction.

25 & 26 Vict. c. 63. s. 59.

407. When it is made to appear to Her Majesty that the government of any foreign country is willing that salvage should be awarded by British courts for services rendered in saving life from ships and boats belonging to such country elsewhere than in British jurisdiction, Her Majesty may, by Order in Council, direct that the provisions of this Act with reference to salvage of life shall apply, and such provisions shall accordingly apply in such cases

as if the services were rendered in saving life from ships or boats within British jurisdiction. A.D. 1870.

Salvage of cargo or wreck. 17 & 18 Vict. c. 104. s. 458.

408. Where, within or without British jurisdiction, any British or foreign ship or boat is wrecked or abandoned, stranded, or in distress, and services are rendered by any person in assisting such ship or boat, and where services are rendered as aforesaid by any person in saving any wreck, there shall be payable to the salvor by the owner of such ship, boat, or wreck (which such ship, boat, and wreck are herein-after in this Act included in the expression "property liable for salvage"), as the case may be, a reasonable amount of salvage, including expenses properly incurred.

Procedure in Salvage.

Jurisdiction in salvage disputes.

409. Disputes as to salvage, whether of life or property, shall, in the United Kingdom, be heard and determined as follows, and not otherwise; that is to say,—

(1.) If either the amount claimed does not exceed twenty pounds, or the value of the property liable or alleged to be liable for the salvage does not exceed fifty pounds, or if the parties consent in writing, the dispute may be heard and determined by the receiver of the district where the services were rendered or where the property liable is at the time of the making of the claim, and his award shall be final and conclusive against all persons:

(2.) In other cases, if either the amount claimed does not exceed three hundred pounds, or the value of the property liable does not exceed one thousand pounds, or if the parties consent in writing, the dispute may be heard and determined by the local court of Admiralty having jurisdiction in the place where the services were rendered or where the property is at the time of the making of the claim:

(3.) In other cases the dispute may be heard and determined by the Superior Court of Admiralty.

And if in any suit or proceeding for salvage in any court the claimant recover an amount less than the maximum amount which might be claimed before an inferior court or the receiver, then, unless the court certify that such suit or proceeding was unfit to be determined by the receiver or local court, as the case may be, the claimant shall have no costs, charges, or expenses incurred by him in the prosecution of his claim, and shall pay to the other party such costs, charges, and expenses, if any, as the court may direct.

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For the purposes of this section, the amount claimed shall mean the amount claimed in the proceeding or suit before the receiver, or in the court in which the suit or proceeding is taken; and the value of the property liable shall mean the value of the property when first brought into safety by the salvors.

Proceedings for salvage how to be commenced.

410. Any dispute as to salvage, wheresoever the services have been rendered, and whether such dispute arises in the United Kingdom or elsewhere, may be heard and determined, on the application either of the salvor or of the owner of the property liable to the claim for salvage, or when the property is in the custody of the receiver, on his application; and where no proceedings have been brought by the salvor, the owner may make application as aforesaid to the receiver or court having jurisdiction, according to the value of the property liable.

Valuation of property. 25 & 26 Vict. c. 63. s. 50.

411. Where any dispute as to salvage arises in the United Kingdom, the receiver of the district where the property liable is, may, on the application of either party, appoint a valuer to value such property, and shall give copies of the valuation to both parties; and any copy of such valuation, purporting to be signed by the valuer, and to be certified as a true copy by the receiver, shall be admissible as evidence in any subsequent proceeding, and shall, for the purpose of giving jurisdiction in salvage, be conclusive evidence of the value at the time of such valuation; and there shall be paid in respect of such valuation such fee, not exceeding the fees specified in the schedule to this Act, as the Board of Trade may from time to time direct.

Property liable for salvage may be seized and detained by a receiver. See 17 & 18 Vict. c. 104. s. 468.

412. A receiver may seize any property found within his district and alleged to be liable for salvage, and may detain such property until either the salvage, fees, and costs due thereon are ascertained and paid, or process is issued for the arrest or detention thereof by some competent court, or security is given to his satisfaction for such salvage, fees, and costs.

Any question as to the amount of the security to be given, or as to the sufficiency of the sureties, may be determined by the receiver where the value of the property does not exceed fifty pounds; or where such value exceeds fifty pounds, any such question may be determined, upon the application either of the owner of the property or of the salvors or any of them, or of such receiver, by a local Admiralty Court having jurisdiction in the district of such receiver.

If the property has not been valued, the value for the purposes of this section shall be determined by such receiver.

Any security given for salvage in pursuance of this section may be enforced by a court competent to entertain a suit for such salvage, in the same manner as if bail had been given in such court; and where under the provisions of this Act the determination of disputes as to such salvage is to be made by a receiver, any such security may be enforced in the manner aforesaid by the local Admiralty Court having jurisdiction in the district of the receiver by whom such dispute is or may be determined.

Procedure in disputes as to salvage before a receiver.

413. Where any dispute as to salvage arises before a receiver under the provisions of this Act, the receiver shall hear and determine the same in such manner as the Board of Trade may from time to time by regulations prescribe; and if after he has made and published his award the salvage and fees by him awarded to be paid, together with such costs as he may in accordance with the said regulations award to be due, are not paid within fourteen days, he may sell the property liable for such salvage, fees, and costs, or a sufficient part thereof, and out of the proceeds defray the expenses of the sale, and the salvage, fees, and costs awarded, and shall pay or deliver up the surplus, if any, to the owners of the property or other persons entitled thereto.

Apportionment of salvage.

414. Where the aggregate amount of salvage payable in respect of any services has been finally determined by a receiver or court or by admission or agreement, such amount may be apportioned and distributed as follows; that is to say,—

17 & 18 Vict. c. 104. ss. 466, 498.

(1.) If the amount has been determined by a receiver, the receiver may apportion the same among the persons entitled thereto in such manner as he thinks just, and his apportionment shall be final;

(2.) If the amount has been determined by a court having Admiralty jurisdiction, such court may direct the amount to be apportioned among the persons entitled thereto in such manner as such court thinks just, and may appoint any person to carry the apportionment into effect, and may compel any person in whose hands or under whose control such amount may be to distribute the same, or to bring the same into court, to be dealt with as the court may direct, and may for the purposes aforesaid issue such monitions or other processes as the court thinks fit:

(3.) If the amount has been finally ascertained by admission or agreement, but a dispute arises or is apprehended as to the apportionment thereof among several claimants, the

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person liable to pay such amount may pay the same, if it does not exceed twenty pounds, or in any case if the claimants so agree to a receiver, or if it exceeds twenty pounds into any court having Admiralty jurisdiction, and such receiver or court shall receive and apportion the same, and shall grant to the person paying the same a certificate of the amount paid and of the services in respect of which it is paid, and such certificate shall be a full discharge and indemnity to such person, and to all his property liable in respect of such services, against all persons parties to or bound by such admission or agreement.

Enforcement of salvage when the property is under arrest in another suit.

415. Where any salvage, fees, charges, or costs, in relation to salvage, are awarded or declared to be due by a receiver or any court having jurisdiction in salvage, and the property liable, or the proceeds thereof, is or are under arrest in a different suit in a court not being the same court by which such salvage, fees, charges, or costs, have been awarded, such salvage, fees, charges, and costs shall be enforced against the property or proceeds so under arrest, by the court in which the same is or are under arrest.

Agreement instead of lien for salvage.
17 & 18 Vict. c. 104. ss. 486, 492, 493, 497.

416. Where salvage services have been rendered beyond the limits of the United Kingdom, and the salvor voluntarily agrees to abandon his lien on any property alleged to be liable for salvage, and the master of the ship or person in charge of such property enters into an agreement in writing, attested by two witnesses, to abide the decision of a court having Admiralty jurisdiction, to an amount specified in the agreement, such agreement shall bind the ship, cargo, freight, and property respectively, and the respective owners thereof for the time being, and their respective heirs, executors, and administrators, for the salvage which may be adjudged to be due upon the ship, cargo, freight, and property respectively, to the extent specified in the agreement, and may be adjudicated upon and enforced by the court named in the agreement; and for the purpose of enforcing any such agreement, any court having Admiralty jurisdiction shall have all the powers of the Superior Court of Admiralty, and the High Court of Admiralty of England may enforce such agreements in any vice-admiralty court in any part of Her Majesty's dominions, and all courts exercising Admiralty jurisdiction in the United Kingdom, the Channel Islands, and the Isle of Man, shall aid and assist the High Court of Admiralty in enforcing the same.

Where such an agreement is made as in this section mentioned the salvor and the master or other person making the agreement shall respectively make and sign statements of the matters specified in the form in the second schedule to this Act, so far as the same is applicable, and the salvor shall without delay transmit the said agreement and statements to the court which is to adjudicate upon the said agreement.

Salvage by Her Majesty's Ships.

Salvage by Her Majesty's ships. 17 & 18 Vict. c. 104. ss. 484., 485.

417. Where services are rendered by any ship belonging to Her Majesty or by the commander or crew thereof, in saving any ship, boat, cargo, or property, or the lives of persons belonging to any ship or boat, claims for salvage in respect of such services shall not be heard or allowed otherwise than as follows; that is to say,

(1.) Such claims may be made and prosecuted by the Admiralty, at their discretion, on behalf of any such commander or crew, before any court having Admiralty jurisdiction.

(2.) A claim may be allowed for the cost of any stores belonging to Her Majesty supplied to any ship in distress, but no claim shall be allowed for the risk, loss, or damage of any ship belonging to Her Majesty, or of the appurtenances on board such ship.

Salvage by Her Majesty's ships abroad. 17 & 18 Vict. c. 104. ss. 486–494., and 496.

418. Where services are rendered at any place out of the limits of the United Kingdom and the seas adjoining thereto by the commander or crew of any of Her Majesty's ships, in saving any ship, boat, or other property, such commander, or the officer in command of such crew, may make and sign and require the master or other person in charge of the ship, boat, or property saved to make and sign a statement in the form in the second schedule to this Act, so far as the same is applicable, and upon such statement being so made and signed by such master or other person the ship, boat, or property shall not be detained; but if such master or other person refuses to make and sign such statement, such commander or officer may carry the ship, boat, or property into any port where there is a consular officer or a vice-admiralty court, and the consular officer or the judge of the vice-admiralty court may detain the ship, boat, or property until such statement is made or security is given to the satisfaction of such consular officer or judge for the payment of any salvage which may be awarded.

Any such statement by a master or other person as aforesaid shall in any proceedings for salvage be evidence on behalf of the Admiralty of all matters contained therein; and any person who

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in any statement made in pursuance of this section wilfully makes any false representation shall be guilty of perjury.

Jurisdiction of Courts of Admiralty in Salvage.

Jurisdiction of Courts of Admiralty in salvage. 17 & 18 Vict. c. 104. s. 476.

419. Subject to the provisions of this Act, every court having Admiralty jurisdiction shall have jurisdiction to decide upon claims relating to salvage, whether the services in respect of which salvage is claimed were performed on the high seas or within the body of any county, or partly on the high seas and partly within the body of any county, and whether the wreck or property liable for or in respect of which salvage is claimed is found on the sea or on the land, or partly on the sea and partly on the land.

Appointment of Receivers of Wreck.

Appointment of receivers of wreck. 17 & 18 Vict. c. 104. s. 439.

420. The Board of Trade shall throughout the United Kingdom have the general superintendence of all matters relating to wreck, and to shipping casualties, and may, from time to time, appoint any officer of customs or of the coastguard, or, where it appears to such Board to be more convenient, any other person, to be a receiver of wreck, in this Act referred to as receiver, and may, from time to time, remove any receiver, whether appointed before or after the commencement of this Act, and may assign a district to any receiver, and may vary such district from time to time: and may from time to time make and vary regulations for the conduct of receivers, subject to the provisions of this Act.

General powers of receivers.

421. A receiver acting in execution of his duties in pursuance of this Act shall have all the same powers and authorities as an inspector appointed by the Board of Trade, and any person obstructing a receiver in the execution of his duty, or making default in appearing or giving evidence before him, shall be subject to the like penalties as if the receiver were an inspector appointed by the said Board.

Fees of Receivers of Wreck.

Receivers fees. 17 & 18 Vict. c. 104. ss. 455–457.

422. There shall be paid to every receiver the expenses properly incurred by him in the performance of his duties, and also in respect of the several matters specified in the first schedule to this Act, such fees, chargeable as therein mentioned, and not exceeding the amounts therein mentioned, as may from time to time be directed by the Board of Trade; and the receiver shall, in addition to all other rights and remedies for the recovery of such expenses or fees, have the same rights and remedies which a salvor has in respect of salvage due to him, and may, if the property in respect of which any such expenses or fees are due is not under

arrest in any court, seize or detain such property until the same are paid, or until security is given for the same to his satisfaction. A.D. 1870.

Whenever any dispute arises in any part of the United Kingdom as to the amount payable to any receiver in respect of expenses or fees, such dispute shall be determined by the Board of Trade, whose decision shall be final.

All fees received by any receiver appointed under this Act, in respect of any of the matters in the first schedule to this Act mentioned, shall be carried to and form part of the mercantile marine fund.

There shall be paid by the Board of Trade to every receiver, for his own use, such remuneration as the Board of Trade may, with the consent of the Treasury, from time to time appoint, and, save as aforesaid, a receiver shall not as such or in respect of anything done by him in the execution of the duties imposed on him by this Act, be entitled to take any fee or receive any remuneration whatever.

All expenses incurred in carrying into effect the provisions with regard to receivers and their duties contained in this Act shall be paid out of the mercantile marine fund.

Remuneration for services by coastguard. 18 & 19 Vict. c. 91. s. 20.

423. Where services are rendered by any officer or men of the coast-guard service in watching or protecting wreck, then, unless it can be shown that such services have been declined by the owner of the wreck or his agent at the time they were tendered, or that salvage has been claimed and awarded for such services, the owner of the wreck shall pay in respect of the said services remuneration according to a scale to be fixed by the Board of Trade, so, however, that such scale shall not exceed the scale by which remuneration to officers and men of the coast-guard for extra duties in the ordinary service of the Commissioners of Customs is for the time being regulated; and such remuneration shall be recoverable by the same means and shall be paid to the same persons and accounted for and applied in the same manner as fees received by receivers, under the provisions of this Act.

Miscellaneous Provisions.

Foreign goods found derelict to be subject to the same duties as on importation. 17 & 18 Vict. c. 104. s. 499.

424. All wreck, being foreign goods brought or coming into the United Kingdom or the Isle of Man, shall be subject to the same duties as if the same were imported into the United Kingdom or the Isle of Man respectively; and if any question arises as to the origin of such goods they shall be deemed to be the produce of such country as the Commissioners of Customs may upon investigation determine.

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Duties on wreck. 17 & 18 Vict. c. 104. ss. 499–500.

The Commissioners of Customs and Inland Revenue shall permit all goods saved from any ship stranded or wrecked on its homeward voyage to be forwarded to the port of its original destination, and all goods saved from any ship stranded or wrecked on its outward voyage to be returned to the port at which the same were shipped; but such commissioners may take security for the due protection of the revenue in respect of such goods.

Jurisdiction of local Admiralty Courts in Ireland.

425. The jurisdiction of local courts in Ireland under the provisions of the Court of Admiralty (Ireland) Act, 1867, shall extend to all cases of salvage where either the amount claimed in the suit or proceeding does not exceed three hundred pounds, or the value of the property liable for the salvage does not exceed one thousand pounds.

Abolition of jurisdiction of commissioners in the Cinque Ports.

426. The jurisdiction, powers, and authorities of commissioners appointed by the Lord Warden of the Cinque Ports for adjusting and determining differences relating to wreck salvage and services rendered to shipping shall cease from commencement of this Act.

SCHEDULES TO WRECK AND SALVAGE ACT. A.D. 1870.

FIRST SCHEDULE.

Fees of Receivers.

Maximum fees to be charged by receivers in addition to expenses properly and necessarily incurred.

	£	s.	d.
1. For every inquiry instituted by a receiver with respect to any shipping casualty, whatever may be the number of persons examined, a fee not exceeding - - - -	2	0	0
To be charged on the ship or cargo in respect of which the examination is instituted.			
2. For copy of evidence required to be sent by the receiver to the secretary of the Committee for managing the Affairs of Lloyd's in London, or supplied to any person, a sum not exceeding - - - - - - -	0	2	6
To be paid by Lloyd's or by the person to whom it is supplied.			
3. For every salvage dispute heard and determined by the receiver, in which the claim does not exceed 20*l.*, or the property saved does not exceed 50*l.*, a sum not exceeding -	1	0	0
To be charged on the property saved.			
4. For all other cases in which salvage disputes are heard and determined by the receivers, such sum as the Board of Trade may determine, not exceeding in the whole in any one case the sum of - - - - - -	5	0	0
To be charged on the property saved.			
5. For wreck received or taken by the receiver into his custody, a per-centage of five per cent. upon the value thereof. But so that in no case shall the whole amount of per-centage so payable exceed twenty pounds.			
To be charged on the wreck or derelict.			
6. For every report of wreck sent by the receiver to the secretary of the Committee for managing the Affairs of Lloyd's, the sum of - - - - - -	0	0	6
To be paid by such secretary.			
7. For every report of wreck sent to a lord of a manor or other person entitled to receive it, a sum not exceeding -	0	0	6
To be paid by the lord of the manor or other person.			

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	£	s.	d.
8. For every sale of wreck conducted by a receiver, a sum not exceeding *one pound* per cent. on the value thereof. *To be charged on the proceeds of sale.*			
9. For the appointment of a valuer, and for copies of certificates of valuation, when the value of the property is under 600*l.*, a sum not exceeding - - - - - -	2	0	0
In other cases - - - - - -	5	0	0
To be charged on the property valued.			

10. In cases where any services are rendered by a receiver in respect of any ship or boat in distress, not being wreck, or in respect of the cargo or other articles belonging thereto, the following fees instead of a per-centage; that is to say,

If such ship or boat, with her cargo, equals or exceeds in value six hundred pounds, the sum of *two pounds* for the first, and the sum of *one pound* for every subsequent day during which the receiver is employed on such service; but if such ship or boat, with her cargo, is less in value than six hundred pounds, *one moiety* of the above-mentioned sum.

But so that in no case shall the whole amount exceed *thirty pounds*.

To be charged on such ship, boat, or articles.

SECOND SCHEDULE.

STATEMENTS FOR SALVAGE PURPOSES.

Statements to be made by the salvor and by the master or other person in charge of the property saved, respectively.

(1.) The place, condition, and circumstances in which the said ship, cargo, or property was at the time when the services were rendered for which salvage is claimed:

(2.) The nature and duration of the services rendered:

And by the salvor,

(3.) The proportion of the value of the said ship, cargo, and property, and of the freight which he claims for salvage, or the values at which he estimates the said ship, freight, cargo, and property respectively, and the several amounts that he claims for salvage in respect of the same:

(4.) Any other circumstances which he thinks relevant to the said claim:

And by the said master or other person in charge of the said ship, cargo, or property,

(5.) A copy of the certificate of registry of the said ship, and of the indorsements thereon, stating any change which (to his knowledge or belief) has occurred in the particulars contained in such certificate; and

stating also, to the best of his knowledge and belief, the state of the title to the ship for the time being, and of the incumbrances and certificates of mortgage or sale, if any, affecting the same, and the names and places of business of the owners and incumbrancers:

(6.) The name and place of business or residence of the freighter (if any) of the said ship, and the freight to be paid for the voyage on which she then is:

(7.) A general account of the quantity and nature of the cargo at the time the salvage services were rendered:

(8.) The name and place of business or residence of the owner of such cargo and of the consignee thereof:

(9.) The values at which the said master estimates the said ship, cargo, and property, and the freight respectively, or if he thinks fit, in lieu of such estimated value of the cargo, a copy of the ship's manifest:

(10.) The amounts which the master thinks should be paid as salvage for the services rendered:

(11.) An accurate list of the property saved in cases where the ship is not saved:

(12.) An account of the proceeds of the sale of the said ship, cargo, or property, in cases where the same or any of them are sold at such port as aforesaid:

(13.) The number, capacities, and condition of the crew of the said ship at the time the said services were rendered:

(14.) Any other circumstances he thinks relevant to the matters in question.

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PART VII.

Pilotage Act.

Preliminary.

Preliminary.

Short title.

427. This Act may be cited as the Merchant Shipping Code (Pilotage Act), 1870.

Incorporation of certain sections of General Provisions, Act.

428. There shall be incorporated with this Act the sections of the Merchant Shipping Code (General Provisions Act), 1870, relating to "Legal Procedure," "Provisional Orders," "Orders in Council," "Detention of Ship," "Dues," and "Construction."

Application. 17 & 18 Vict. c. 104. s. 330.

429. This Act extends to the United Kingdom and the Isle of Man only, but applies to all ships British and foreign.

Construction.

430. In this Act,

The term "pilotage authority" means any person or persons, or body of persons, authorized to appoint or license pilots, or to fix or alter rates of pilotage, or to exercise any jurisdiction in respect of pilotage:

The term "pilot" means any person not belonging to a ship who has the conduct thereof:

The term "pilot boat" means any ship or boat employed in the pilotage service of any district.

General Powers of Pilotage Authorities.

Powers of pilotage authorities. 17 & 18 Vict. c. 104. s. 333.

431. Subject to the provisions of this Act, every pilotage authority shall have power from time to time, by byelaw confirmed by Her Majesty in Council, to do all or any of the following things within their district; namely,

To determine qualifications of pilots. 17 & 18 Vict. c. 104. s. 333. cl. 1.

(1.) To determine the qualification in respect of age, time of service, skill, character, and otherwise, to be required from persons applying to be licensed as pilots:

To make regulations respecting pilot boats. 17 & 18 Vict. c. 104. s. 333. cl. 2.

(2.) To make regulations respecting the approval and licensing of pilot boats:

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(3.) To provide for aiding in the establishment of and participating in the profits of companies for the support of pilot boats:

To aid companies for the support of pilot boats. 17 & 18 Vict. c. 104. s. 333. cl. 2.

(4.) To license pilots and apprentices, and certificate masters and mates:

To license.

(5.) To fix the terms and conditions of granting licences to pilots and apprentices, and such pilotage certificates as in this Act mentioned to masters and mates:

To make regulations as to licence and certificate. 17 & 18 Vict. c. 104. s. 333. cl. 4.

(6.) To make regulations for the government of the pilots, apprentices, masters, and mates licensed or certificated by such pilotage authority, and for ensuring their good conduct and constant attendance to and effectual performance of their duty at sea and on shore:

To make regulations for the government of pilots. 17 & 18 Vict. c. 104. s. 333. cl. 3.

(7.) To make rules for punishing any breach of such regulations by the withdrawal or suspension of the licence or certificate of the person guilty of such breach, or by the infliction of penalties, so however that no single penalty be made to exceed the sum of *ten pounds*, and that every such penalty be capable of reduction at the discretion of the court by whom the same is inflicted:

To makes rules for the punishment of the breach of such regulations. 17 & 18 Vict. c. 104. s. 333. cl. 4.

(8.) To fix and alter the mode of remunerating the pilots licensed by such authority, and the amount and description of such remuneration (in this Act called pilotage dues), so, however, that no higher dues be demanded or received in the London District of the Trinity House than those specified in the schedule to this Act, and in any other pilotage district than those which might have been lawfully fixed by the pilotage authority of that district under any Act, charter, or custom in force at the commencement of this Act:

To fix and alter pilotage dues. 17 & 18 Vict. c. 104. s. 333. cl. 5.

(9.) To fix and alter the contribution payable to such authority by way of poundage or otherwise by pilots licensed by them:

To fix sums payable by pilots to their pilotage authority.

(10.) In any district wherein the payment of pilotage dues is made compulsory by this Act, to make and alter regulations as to the things to be done by the master of any ship not exempted from the payment of pilotage dues, in order to obtain the services of a licensed pilot, as to the offering of services by pilots, and as to securing due payment of pilotage dues:

Where payment of pilotage dues is compulsory, to regulate mode of obtaining a qualified pilot.

(11.) To establish, either alone or in conjunction with any other pilotage authority or authorities, funds for the relief of

To establish funds for superannuated pilots. 17 & 18 Vict. c. 104. s. 333. cl. 7.

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superannuated or infirm licensed pilots, or of their wives, widows, or children, and to make any new regulations with respect to any funds for the time being applicable to those purposes or any of them, with power to determine the amount, manner, time, and persons (such persons to be in the service of such pilotage authority) to and in which and by and upon whom the contributions in support of such existing or future funds may be made or levied: and further, to determine what persons or class of persons from among the men in the service of such pilotage authority, their wives, widows, or children, are and are not respectively entitled to participate in the benefits of such existing or future funds, and the terms and conditions upon which, if entitled, they are to be so entitled:

To alter byelaws. 17 & 18 Vict. c. 104. s. 333. c. 8.

(12.) To repeal or alter any byelaw, and to make a new byelaw or new byelaws in lieu thereof.

Any byelaw made by any pilotage authority according to the provisions of this section may impose a reasonable penalty not exceeding in any case ten pounds for the breach of such byelaw, with, in case of a continuing breach, a further penalty not exceeding in any case one pound for every twelve hours during which such breach continues; but so that every byelaw as to allow the Court before whom the penalty is sought to be recovered to order part only of the maximum penalty to be paid, and such penalty shall be summarily recoverable.

And every such byelaw shall, if and when confirmed by order of Her Majesty in Council, be valid and effectual, notwithstanding any Act of Parliament, rule, law, or custom to the contrary.

Publication of byelaws. 17 & 18 Vict. c. 104. ss. 334, 335.

432. Every byelaw proposed to be made by a pilotage authority under this Act shall, before it is submitted to Her Majesty in Council for confirmation, be published in such manner as the Board of Trade prescribe.

Power of appeal to Board of Trade. 17 & 18 Vict. c. 104. s. 336.

433. If the following persons at any port, namely,—

(1.) The majority of the licensed pilots belonging to the port; or,

(2.) Where there is a local marine board, the local marine board; or,

(3.) Where there is no local marine board, any number of persons not less than six, being masters, owners, or insurers of ships,

consider themselves aggrieved by any regulation or byelaw of a

pilotage authority made under any power before or after the commencement of this Act, or by a defect or omission in such regulation or byelaw, they may appeal to the Board of Trade, and the board may thereupon by order revoke or alter, or make additions to, such regulation or byelaw, in such manner as, having regard to the interest of the persons concerned, appears to the Board of Trade to be just and expedient, and every order so made shall be conclusive in the matter wherein it is made.

But if such byelaw is one made under this Act and confirmed by an Order in Council, the order of the Board of Trade shall not be of any effect until it has been confirmed by an Order in Council.

General jurisdiction of pilotage authorities. 17 & 18 Vict. c. 104. s. 331.

434. Every pilotage authority shall retain all powers and jurisdiction which they lawfully possess at the commencement of this Act, so far as the same are consistent with the provisions of this Act; but no law relating to such authority, or to the pilots licensed by them, and nothing done by such authority, shall, if inconsistent with any provision of this Act, be of any force whatever.

Returns by Pilotage Authorities.

Pilotage authorities to make returns to the Board of Trade of certain particulars connected with pilotage. 17 & 18 Vict. c. 104. c. 337.

435. Every pilotage authority shall deliver periodically to the Board of Trade, in such form and at such times as the Board of Trade require, returns, in this Act called pilotage returns, of the following particulars with regard to pilotage within their district; namely,

(1.) All byelaws, regulations, orders, or ordinances relating to pilots or pilotage for the time being in force:

(2.) The names and ages of all pilots, apprentices, masters, or mates licensed, certificated, or authorized to act by such authority, and of all pilots or apprentices acting either mediately or immediately under such authority, whether so licensed or authorized or not:

(3.) The service for which each pilot, apprentice, master, or mate is licensed or certificated:

(4.) The pilotage dues for the time being in force, including therein the amounts and description of all charges upon shipping made in respect of pilots or pilotage:

(5.) The total amount received for pilotage dues, distinguishing the amounts received from British ships and from foreign ships, and the amounts received in respect of different classes of ships paying different rates of pilotage dues,

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according to the scale of such dues for the time being in force, and the amounts received for the several classes of service rendered by pilots: and also the amount paid by such ships (if any) as are compelled before reaching the outer limits of pilotage water if outward bound, or their port of destination if inward bound, to pay for two or more pilots, whether licensed by the same or by different pilotage authorities, together with the number of the ships of each of the several classes paying such several amounts as aforesaid:

(6.) The receipt and expenditure of all money received by or on behalf of such authority, or by or on behalf of any sub-commissioners or inspectors appointed by them, in respect of pilots or pilotage:

And shall allow the Board of Trade, or any person appointed by the Board of Trade for the purpose, to inspect any books or documents in the possession of such authority relating to the several matters by this section required to be returned to the Board of Trade.

If local authorities fail to give the required returns, their jurisdiction may be transferred to the Trinity House. 17 & 18 Vict. c. 104 s. 338.

436. If any pilotage authority (other than the Trinity House or sub-commissioners or inspectors of pilotage appointed by the Trinity House as in this Act provided) fail to deliver to the Board of Trade any pilotage return within one year after the time fixed by the Board of Trade for the purpose, or otherwise fail to comply with the provisions of this Act with respect to pilotage returns, it shall be lawful for Her Majesty, by Order in Council, to direct that all the rights and powers of such authority in respect of pilotage shall cease or be suspended during such time as Her Majesty directs, and thereupon the Trinity House shall thereafter, or during the time for which such suspension continues, have and exercise the same powers of appointing sub-commissioners or inspectors of pilotage, and of examining and licensing pilots, and of examining and certificating masters and mates, and of establishing and altering rates of pilotage dues within the district of the authority so making default, as the Trinity House are by this Act authorized to exercise in the Trinity House pilotage district, and shall also during such time as aforesaid have and exercise the same rights, title, and powers to and in respect of any pilotage funds or other pilotage property which the pilotage authority so making default would or might have had if not so suspended.

Returns to be laid before Parliament. 17 & 18 Vict. c. 104. s. 339.

437. The Board of Trade shall, without delay, cause the pilotage returns to be laid before both Houses of Parliament.

Trinity House.

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Trinity House.

Extent of the Trinity House pilotage district.
17 & 18 Vict. c. 104. s. 370.

438. The Trinity House shall have jurisdiction as a pilotage authority within the following districts (referred to in this Act as the Trinity House pilotage district), that is to say,—

1. The "London District," consisting of the waters of the Thames and Medway as high as London Bridge and Rochester Bridge respectively, and also the sea and channels leading thereto or therefrom as far as Ordfordness to the north, and Dungeness to the south:
2. The "English Channel District," consisting of the seas between Dungeness and the Isle of Wight:
3. The "Trinity House Outport Districts," comprising any part of the United Kingdom which is not for the time being the district of a pilotage authority created before or after the commencement of this Act, by or under the power of any special Act or by Charter, and all parts of the North Sea and of the English and Irish Channels which are not for the time being within the district of any pilotage authority created as aforesaid.

Power of Trinity House to alter regulations.
17 & 18 Vict. c. 104. s. 368.

439. The Trinity House may, in addition to the general power in this Act given to every pilotage authority of doing certain things in relation to pilotage matters, alter from time to time, by any byelaw confirmed by Her Majesty in Council, such of the provisions in this Act contained as are expressed to be subject to alteration by the Trinity House.

Power of Trinity House to appoint sub-commissioners.
17 & 18 Vict. c. 104. s. 369.

440. The Trinity House shall appoint sub-commissioners (not being more than five nor fewer than three) or inspectors for the examination and inspection of pilots in all districts in which the Trinity House have before the commencement of this Act been used to appoint sub-commissioners, and may, with the consent of Her Majesty in Council, but not otherwise, appoint like sub-commissioners or inspectors in any other part of the Trinity House pilotage district. But a pilotage district which is at the commencement of this Act under the authority of any sub-commissioners appointed by the Trinity House shall not be extended, except with such consent as aforesaid, and no sub-commissioners or inspectors so appointed shall be deemed to be pilotage authorities within the meaning of this Act.

Power of Trinity House of Hull to appoint sub-commissioners.
17 & 18 Vict. c. 104. s. 387.

441. The corporation of the Trinity House of the port of Kingston-upon-Hull shall appoint sub-commissioners (not being more than seven nor fewer than three) or inspectors for the examination and inspection of pilots in all districts in which they have, before the

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commencement of this Act, been used to make such appointments, and may, with the consent of Her Majesty in Council, but not otherwise, appoint like sub-commissioners or inspectors for any other district situate within their jurisdiction; but a pilotage district which is at the commencement of this Act under the authority of any sub-commissioners appointed by the said corporation shall not be extended, except with such consent as aforesaid; and no sub-commissioners or inspectors appointed or to be appointed by the Trinity House of Hull shall be deemed to be pilotage authorities within the meaning of this Act, nor shall anything in this Act be held to confer upon the commissioners for regulating the pilotage of the port of Kingston-upon-Hull and of the River Humber any jurisdiction of a different nature or character from that which they have exercised before the commencement of this Act.

Provisional Orders.

Power of Board of Trade to exercise provisional Order. 25 & 26 Vict. c. 63. s. 39.

442. The Board of Trade shall have power to do all or any of the following things by provisional order:

To transfer pilotage jurisdiction. 25 & 26 Vict. c. 63. s. 39.

(1.) Whenever any pilotage authority residing or having their place of business at one port have or exercise jurisdiction in matters of pilotage in any other port, then,—

(*a.*) To transfer so much of the said jurisdiction as concerns such last-mentioned port, either to any harbour authority or other body exercising any local jurisdiction in maritime matters at the last-mentioned port, or to any local body to be constituted for the purpose by the provisional order, or (where the said pilotage authority is not the Trinity House) to the Trinity House; or

(*b.*) To transfer the whole or any part of the jurisdiction of the said pilotage authority to a new body to be constituted for the purpose by the provisional order, so as to represent the interests concerned, and (if they think fit) to incorporate such body, and to regulate their constitution, whether incorporated or not.

To make the new body a pilotage a thority. 25 & 26 Vict. c. 63. s. 39.

(2.) To make the body to whom the said transfer is made a pilotage authority (herein-after called the new pilotage authority), with such powers as may be mentioned in the provisional order:

To determine the limits of such pilotage authority.

(3.) To determine the limits of the district of the new pilotage authority:

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(4.) To sanction a scale of pilotage dues demandable by the pilots to be licensed by the new pilotage authority:

(5.) To determine to what extent and under what conditions any pilots then already licensed by the former pilotage authority are to continue to act under the new pilotage authority:

(6.) To sanction arrangements for the apportionment of any pilotage funds belonging to the pilots licensed by the former pilotage authorities between the pilots remaining under the jurisdiction of the former authority and the pilots who are transferred for the jurisdiction of the new authority:

(7.) To provide for just compensation to officers employed by the former pilotage authority, and not continued by the new pilotage authority:

(8.) To constitute a pilotage authority, and to fix the limits of their district, in any place to which this part of this Act extends, where there is no pilotage authority other than the Trinity House; so, however, that in the new pilotage district so constituted there be no compulsory payment of pilotage dues, and no restriction on the power of qualified persons to obtain licences as pilots:

(9.) To alter the constitution of any pilotage authority with the consent of any pilotage authority:

(10.) To grant exemption to all or any ships or all or any classes of ships from compulsory payment of pilotage dues in any pilotage district or part of a pilotage district, and to annex terms and conditions to such exemptions:

(11.) In cases where the payment of pilotage dues is not compulsory, and where there is no restriction on the power of qualified persons to obtain licences as pilots,—

(*a.*) To give to any pilotage authority power for licensing pilots, and for fixing pilotage dues for the district or any part of the district of such authority for which no such licences or dues for the time being exist, and for increasing all or any of the pilotage dues which for the time being are in force in the district or any part of the district of such authority:

(*b.*) To give additional facilities for the recovery of pilotage dues, and for preventing the employment of unlicensed pilots.

(12.) To give facilities for enabling qualified persons after examination as to their qualifications to obtain licences as pilots.

To sanction pilotage dues.

To determine the condition under which pilots shall continue to act under such pilotage authority.

To sanction arrangements for the apportionment of pilotage funds.

To provide for compensation of officers. 25 & 26 Vict. c. 63. s. 39.

To constitute new authorities. 25 & 26 Vict. c. 63. s. 39.

To exempt from compulsory payment of pilotage dues.

To enable existing authorities to grant licences and fix or raise dues. 25 & 26 Vict. c. 63. s. 39., clauses 5 and 6.

To facilitate the recovery of dues.

To facilitate grants of licences.

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Application for such order may be made by any persons interested in the pilotage of the district, or in the operation of the laws or regulations relating to such pilotage.

Licensing of Pilots.

Registry of pilot licences. 17 & 18 Vict. c. 104. s. 349.

443. Every pilot, on being licensed by any pilotage authority, shall receive a licence containing his name and usual place of abode, a description of his person, and a specification of the limits within which he is qualified to act; and the principal officer of customs at the place at or nearest to which any licensed pilot resides shall, on his request, register his licence; and a licensed pilot shall not be entitled to act as such until his licence is so registered. Any licensed pilot acting beyond the limits for which he is qualified by his licence shall be considered an unlicensed pilot.

Copies of regulations to be furnished to licensed pilot, and to be produced by him. 17 & 18 Vict. c. 104. s. 350.

444. Every licensed pilot shall, on receiving his licence, be furnished with a copy of this Act, and of the schedules to this Act, and a copy of the dues and byelaws established within the district for which he is licensed: and he shall produce such copies to the master of any ship, or other person employing him, when required to do so, under a penalty in case of default not exceeding *five pounds*, and such penalty shall be summarily recoverable.

Licensed pilot to produce licence to employer. 17 & 18 Vict. c. 104. s. 351.

445. Every licensed pilot while acting in that capacity shall be provided with his licence, and shall produce the same (whether requested to produce it or not) to every person by whom he is employed, or to whom he offers his services as pilot, at the time when he enters into the employment of or offers his services to such person, and shall be ready at all times to produce his licence, at the request of every person by whom he is employed or to whom he offers his services as pilot, and if he neglects or refuses to produce his licence he shall be liable for each offence to a penalty not exceeding *ten pounds*, and shall be subject to suspension or dismissal by the pilotage authority by whom he is licensed.

Licences to be delivered up when required, and to be returned on death. 17 & 18 Vict. c. 104. s. 352.

446. Every licensed pilot, when required by the pilotage authority by whom he is licensed, shall produce or deliver up his licence; and on the death of any licensed pilot the person into whose hands his licence comes shall without delay deliver it to the pilotage authority who licensed the deceased pilot; and if any person, without reasonable excuse (proof whereof shall lie on him), fails to comply with the requirements of this section, he shall be liable to a penalty not exceeding *ten pounds*, and such penalty shall be summarily recoverable.

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447. Every licensed pilot who considers himself aggrieved by the requirement to deliver up his licence to the pilotage authority by whom he is licensed may, within one month after such requirement is made, appeal to the Trinity House, in such manner as they may by byelaw direct, who may confirm or cancel such requirement, on such terms or conditions, if any, as they think just, and their decision shall be binding on all parties.

Pilot aggrieved by requirement to deliver up licence may appeal to the Trinity House.

448. The Trinity House shall, after examination by themselves or their sub-commissioners, or inspectors, license under their common seal pilots for the purpose of conducting ships within the limits or any part of the limits of the Trinity House Pilotage District.

Trinity House to license pilots to act within certain limits. 17 & 18 Vict. c. 104. s. 370.

449. Subject to any alteration to be made by the Trinity House, the names of all pilots licensed by them shall be published in manner following:

Publication of notice of licences of pilots by the Trinity House. 17 & 18 Vict. c. 104. s. 371.

(1.) The Trinity House shall at their house in London fix up a notice specifying the name and usual place of abode of every pilot so licensed, and the limits within which he is licensed to act:

(2.) The Trinity House shall transmit a copy of such notice to the Commissioners of Customs in London, and to the principal officers of customs resident at all ports within the limits for which such pilot is licensed; and such notice shall be posted up by the Commissioners at the Custom House in London, and by such officers at the custom houses of the ports at which they are respectively resident.

450. Subject to any alteration to be made by the Trinity House, every Trinity House pilot shall, on being licensed, execute, together with two sureties, to be approved by the Trinity House, a deed of covenant to pay to the Trinity House *one hundred* pounds, in case of the non-observance on his part of the regulations and byelaws of the Trinity House, or in case of his causing any injury or damage to any person, or to the property of any person, through his negligence or want of skill as such pilot, such deed to be free from stamp duty, and to be prepared by the Trinity House without any other charge except the actual expense of preparing the same.

Bonds to be given. 17 & 18 Vict. c. 104. s. 372.

451. Whenever a licensed pilot who has executed such deed of covenant becomes liable to pay damages for neglect or want of skill, the Trinity House, or some person appointed by them, shall as soon as may be assess the damages to be paid by such pilot, so,

Pilot's liability limited. 17 & 18 Vict. c. 104. s. 373.

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however, that the amount to be paid by him shall in no case exceed the amount covenanted by the deed to be paid, and the amount of pilotage dues payable to him in respect of the voyage in which he was engaged when he became so liable.

If any person to whom the pilot is so liable claims an amount of damages in excess of that assessed to be paid to him under this section, such person shall after such assessment have the same remedy against the pilot for that excess as he would have had if this section had not been enacted; but, save as aforesaid, no such pilot shall be liable in any proceeding for the recovery of damages for neglect or want of skill.

Continuance and renewal of licences. 17 & 18 Vict. c. 104. s. 574.

452. Subject to any alteration to be made by the Trinity House, a licence to a pilot granted by them shall not continue in force beyond the thirty-first day of January next ensuing the date of such licence; but the same may, upon the application of the pilot holding such licence, be renewed on any day of January in every year, or any subsequent day, by indorsement under the hand of the secretary of the Trinity House, or such other person as may be appointed by them for that purpose.

Power to revoke and suspend licences. 17 & 18 Vict. c. 104. s. 375.

453. The Trinity House shall have power to revoke or suspend the licence of any pilot licensed by them, in such manner and at such time as they think fit.

Trinity House to make regulations for a constant supply of pilots at Dungeness. 17 & 18 Vict. c. 104. s. 377.

454. Subject to any alteration to be made by the Trinity House, a sufficient number of licensed pilots shall always be ready to pilot ships coming from the westward past Dungeness; and the Trinity House shall, by byelaw to be made as provided in this part of this Act, make such regulations with respect to the pilots under their control as may be necessary in order to provide for an unintermitted supply of licensed pilots for such ships, and to insure their constant attendance upon and due performance of their duty both by night and day, whether by cruising between the South Foreland and Dungeness, or by going off from shore upon signals made for the purpose, or by both of such means, or by any other means, and whether in rotation or otherwise, as the Trinity House think fit.

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Licensed pilots unable to board when entitled to pilotage. 17 & 18 Vict. c. 104. s. 351.

455. If any boat or ship having on board a licensed pilot leads any ship which has not a licensed pilot on board, when such last-mentioned ship cannot from particular circumstances be boarded, the pilot so leading such last-mentioned ship shall be entitled to

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the full pilotage dues for the distance run as if he had actually been on board and piloted such ship; and such pilot while leading such last-mentioned ship shall keep his pilot flag flying, and such last-mentioned ship shall, while being so led, show the ensign of such ship at her fore.

Allowance to licensed pilot taken out of his district. 17 & 18 Vict. c. 104. s. 357.

456. No pilot, except under circumstances of unavoidable necessity, shall, without his consent, be taken to sea or beyond the limits for which he is licensed in any ship whatever; and every pilot so taken shall be entitled, over and above the pilotage dues otherwise payable to him, to the sum of *ten shillings* a day, if he was so taken under circumstances of unavoidable necessity, and otherwise of *twenty shillings* a day, such sums to be computed from and inclusive of the day on which the ship passes the limit up to which he was engaged to pilot her, and inclusive of the day of his being returned in the said ship to the place where he was taken on board, or up to and inclusive of such day as will allow him, if discharged from the ship, sufficient time to return thereto; and in such last-mentioned case he shall be entitled to his reasonable travelling expenses over and above such pilotage dues and other sums.

Licensed pilot to be allowed payment for time during which he is kept in quarantine.

457. In case a licensed pilot is placed in quarantine, owing to his having been taken on board any ship, he shall be entitled, over and above the pilotage dues payable to him, to the sum of *ten shillings* a day from and inclusive of the day on which he is placed in quarantine up to and inclusive of either the day on which he is discharged therefrom, or, if he is discharged at a distance from the place where he was taken on board, such day as will allow him sufficient time to return to such place; and in such last-mentioned case he shall be entitled to his reasonable travelling expenses over and above such pilotage dues and other additional sums.

Power of licensed to supersede unlicensed pilot. 17 & 18 Vict. c. 104. s. 360.

458. A licensed pilot may supersede an unlicensed pilot, but the master shall pay to such unlicensed pilot a proportionate sum for his services, and deduct the same from the charge of the licensed pilot; and in case of dispute the pilotage authority by whom the licensed pilot is licensed shall determine the proportionate sums to which each party is entitled.

Occasions on which unlicensed persons may act as pilots. 17 & 18 Vict. c. 104. s. 362.

459. An unlicensed pilot may, within any pilotage district, without subjecting himself or his employer to any penalty, pilot a ship, under all or any of the following circumstances:

1. When no licensed pilot has offered to pilot such ship, or made a signal for that purpose:

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2. When a ship is in distress, or under circumstances making it necessary for the master to avail himself of the best assistance which can be found at the time:

3. For the purpose of changing the moorings of any ship in port, or of taking her into or out of any dock, in cases where such act can be done by an unlicensed pilot without infringing the regulations of the port, or any orders which the harbour master is legally empowered to give.

Pilotage Dues.

Recovery of additional sums dues to pilots. 17 & 18 Vict. c. 104. ss. 363, 364.

460. All sums made payable to a pilot, over and above the pilotage dues, shall be payable by the same persons and recoverable in the same manner as if they were part of the pilotage dues payable to such pilot.

Pilotage dues. 17 & 18 Vict. c. 104. s. 380.

461. Subject to any alteration to be made by the Trinity House, the pilotage dues payable to all Trinity House pilots, in respect of pilotage services within the London district, shall be the pilotage dues specified in the schedule to this Act.

Pilotage dues payable by ships trading to the port of London whereof the owners are not resident. 17 & 18 Vict. c. 104. s. 381. cl. 2, 3.

462. Subject to any alteration to be made by the Trinity House, and notwithstanding anything in this Act, the amount of the dues payable in respect of every ship trading to and from the port of London which is not exempt from the payment of pilotage dues, and whereof the owner or all the owners is or are resident out of the United Kingdom, shall be as follows; (that is to say,) as to a ship inwards, the full amount of dues for the distance piloted or offered to be piloted by a licensed pilot; and as to a ship outwards, the full amount of dues for the distance for which payment of pilotage dues is required by law; and the payment, collection, and application of such pilotage dues shall be as follows:

1. Payment of dues. 17 & 18 Vict. c. 104. s. 381.

1. Such dues shall be paid to the collector of customs in the port of London:

2. Collection of dues. 17 & 18 Vict. c. 104. s. 382.

2. The collector shall, on receiving such pilotage dues, give to the person paying the same a receipt in writing; and no officer of customs shall grant a clearance or transire for any ship in respect to which such dues are payable without the production of such receipt; and if any such ship attempts to go to sea without such clearance or transire, any such officer may detain her until the receipt is produced:

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Pilotage Dues.

3. The collector shall pay over all pilotage dues received by him in respect of any such ship to the Trinity House, who shall apply the same in manner following:—

3. Application of dues. 17 & 18 Vict. c. 104. s. 383.

(*a.*) In paying to any pilot who brings proof of his having piloted or offered to pilot such ship the dues payable to him, after deducting therefrom the poundage due to the Trinity House:

(*b.*) Then in paying to any unlicensed person who brings proof of his having in the absence of a licensed pilot piloted such ship, such amount as the Trinity House think proper, not exceeding the amount which would under similar circumstances have been payable to a licensed pilot, after deducting poundage:

(*c.*) Lastly, in paying over to the Trinity House Pilot Fund the residue, together with all poundage deducted as aforesaid.

Settlement of difference as to draught of ship [Trinity House]. 17 & 18 Vict. c. 104. s. 384.

463. Whenever any difference arises between the master and the licensed pilot of any ship trading to or from the port of London as to her draught of water, the Trinity House shall, upon application by either party, made, in case of a ship inward bound, either within twelve hours after her arrival or at some time before she begins to discharge her cargo, and in the case of a ship outward bound before she quits her moorings, appoint some proper officer who shall measure the ship, and settle the difference accordingly. And there shall be paid to the officer measuring such ship, by the party against whom he decides, the following sums; (that is to say,) *one guinea* if the ship be below and *half a guinea* if the ship be above the entrance of the London Docks at Wapping.

Penalty on making a false declaration as to draught of ship, or falsifying marks. 17 & 18 Vict. c. 104. s. 359.

464. If a master, on any licensed pilot beginning or offering to pilot his ship, refuses or neglects to declare to such pilot her draught of water, or himself makes or is privy to any other person making a false declaration to such pilot as to such draught, he shall incur a penalty for every such offence not exceeding *double* the amount of pilotage dues which would have been payable to such pilot, and such penalty shall be summarily recoverable.

Penalty for falsifying marks on ship. 17 & 18 Vict. c. 104. s. 359.

465. If a master or any person interested in a ship makes or is privy to the making of a fraudulent alteration in the marks on the stem or stern post of such ship, denoting her draught of water, he shall be guilty of a misdemeanor.

Compulsory Payment of Pilotage Dues, and Exemptions therefrom.

Compulsory Payment of Pilotage Dues, and Exemptions therefrom.

Employment of a pilot to be in no way compulsory.

466. After the commencement of this Act, no owner or master of any ship shall in any case be compelled to employ or to give his ship into the charge of a pilot, notwithstanding any Act or charter making the employment of a pilot compulsory.

Payment of pilots, when compulsory. 17 & 18 Vict. c. 104. s. 353.

467. Subject to any alteration to be made by any pilotage authority in pursuance of the power in this Act in that behalf given, every ship which navigates within any of the following districts—

1. Any district in which the employment of pilots was immediately before the commencement of this Act compulsory, under any Act not repealed during the present session, or under or by virtue of any charter;
2. The "London district" of the Trinity House, and any ports of the Trinity House outports districts in which the employment of pilots was immediately before the commencement of this Act compulsory,

shall pay pilotage dues, unless either—

(*a.*) No licensed pilot offers his services as a pilot, or

(*b.*) She is exempted under the provisions of this Act from such compulsory payment of dues.

Exemptions from compulsory payment of pilots. 25 & 26 Vict. c. 63. s. 353. 17 & 18 Vict. c. 104. s. 379. 17 & 18 Vict. c. 104. s. 41. *See* 6 Geo. 4. c. 125. s. 59.

468. The following ships (called in this Act exempted ships) shall be exempted from compulsory payment of pilotage dues:

1. Ships exempted from compulsory pilotage at the time of this Act.

(1.) Ships and all classes of ships before the commencement of this Act exempted from the compulsory employment of pilots:

2. Ships exempted or to be exempted by pilotage authorities. 17 & 18 Vict. c. 104. s. 332.

(2.) Ships and all classes of ships exempted or to be exempted by any pilotage authority under or by virtue of the powers given by this or any other Act:

3. Ships passing through pilotage district. 25 & 26 Vict. c. 63 s. 41. 17 & 18 Vict. c. 104. ss. 379–6.

(3.) Ships passing through the limits of any pilotage district in the United Kingdom on their voyages between two places both situate out of such districts; provided that this exemption shall not apply to ships first loading or finally discharging at any place situate within any such district, or at any place situate above such district on the same river or its tributaries:

4. Coasting ships. 6 Geo. 4. c. 125. s. 59., and 17 & 18 Vict. c. 104. s. 379.

(4.) Ships trading or employed on a voyage between any two places in the United Kingdom:

5. Ships trading north of Boulogne. 6 Geo. 4. c. 125. s. 59., and 17 & 18 Vict. c. 104. 379.

(5.) Ships trading to and from Boulogne, and to or from any place in Europe north of Boulogne:

Compulsory Payment of Pilotage Dues, and Exemptions therefrom.

(6.) Ships from Guernsey, Jersey, Alderney, Sark, or Man wholly laden with stone, the product of those islands :

(7.) Ships navigating or being within the limits of the port to which they belong :

(8.) Ships of not more than sixty tons burden :

(9.) Ships of which the master or mate has a certificate granted under the provisions of this Act.

6. Stone ships from Guernsey, &c. 6 Geo. IV. c. 125. s. 59., and 17 & 18 Vict. c. 104. s. 379.

7. Ships within their own port. 6 Geo. IV. c. 125. s. 59., and 17 & 18 Vict. c. 104. s. 379.

8. Ships below a certain size. 6 Geo. IV. c. 125. s. 59., and 17 & 18 Vict. c. 104. s. 379.

9. Ships with certificated master or mates. 17 & 18 Vict. c. 104. s. 340., and *see* s. 355.

469. Every pilotage authority shall have power, by byelaw made and confirmed by Her Majesty in Council, as provided by this Act, to grant to all or any ships, or all or any classes of ships, exemption from compulsory payment of pilotage dues within the district of such authority, and to annex any terms and conditions to such exemption, and to extend any exemptions for the time being in existence, by virtue of this Act, or any other Act, or of any law, usage, or charter, on such terms and conditions, and in such manner as such authority think fit.

Power of pilotage authorities to make and extend exemptions from compulsory payment of pilotage dues. 17 & 18 Vict. c. 104. s. 332.

470. Subject to any alteration to be made by any pilotage authority within their respective pilotage districts, under the power by this Act in that behalf given, where a ship (unless she has a licensed pilot on board, or is an exempted ship), arrives at the limits of any district within which the payment of pilotage dues is made compulsory by this Act, the following provisions shall have effect :

Regulation respecting ship in a compulsory pilotage district. 17 & 18 Vict. c. 104. s. 378.

(1.) Until a licensed pilot has come on board, or until the ship has passed a point, line, or place from time to time fixed on this behalf by the pilotage authority of the district, the ship shall display such signal for a pilot as in this Act provided; and in default such ship shall be liable to pay as pilotage dues to the pilotage authority of the district a sum not exceeding double the largest amount of pilotage dues which would be payable for piloting such ship :

(2.) If the master of such ship

(*a.*) Does not accept the services of the first licensed pilot who offers, by signal or otherwise, his services ; or,

(*b.*) (In case there be two or more pilots offering their services at the same time) does not accept the services of such one of them as may be entitled by the regulations for the time being in force in such district to have his services accepted ; or,

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(*c.*) Having signalled for a pilot does not accept the services of any licensed pilot offering them in consequence of such signal,

such ship shall be liable to pay to the pilotage authority of the district as pilotage dues the same sum as would have been payable to such licensed pilot if his services had been accepted:

(3.) All sums received by the pilotage authority in pursuance of this section shall be applied by them as follows:

(*a.*) In paying all expenses incurred in obtaining payment of the same;

(*b.*) Then, in paying to the pilot who offers his services to the ship, or if two pilots offered, to that one of them who was entitled to have his services accepted, such amount (if any) as the pilotage authority may by any byelaws made under this Act from time to time make payable to such pilot:

(*c.*) And the residue shall be carried to the pilotage fund of the district.

Signals to be displayed by ships requiring a pilot.

471. In case any ship requires the services of a pilot, or, not having a pilot, has entered or is in any district where such ship is subject to the compulsory payment of pilotage dues, the master of such ship shall display the following signals, (that is to say,) by day a jack at the fore, and at night three lanterns with bright lights, where best they can be seen, in a vertical line.

No person to use rockets as signals for pilots.

472. No master or other person having charge of a ship shall use a rocket as a signal for a pilot, and any person who uses a rocket for such signal shall be liable to a penalty not exceeding *twenty pounds*, such penalty to be summarily recoverable by the pilotage authority of the district wherein the offence is committed.

Licensing of Masters and Mates.

Master or mate, if examined and passed, to receive a pilotage certificate enabling him to pilot particular ships. 17 & 18 Vict. c. 104. s. 340.

473. A master or mate of any ship may, upon giving due notice, and consenting to pay the usual expenses, apply to a pilotage authority to be examined as to his capacity to pilot the ship of which he is master or mate within any part of the district over which such pilotage authority has jurisdiction; and such master or mate shall thereupon be examined, and if found competent a pilotage certificate shall be granted to him, containing his name, a specification of the ship or ships in respect of which he has been examined, and a description of the limits within which he is to pilot the same, such limits to be within such jurisdiction as aforesaid;

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and such certificate shall enable the person therein named to pilot the ship or any of the ships therein specified, of which he is acting as master or mate at the time, but no other, within the limits therein described, as if he were a licensed pilot.

Renewal of pilotage certificate. 17 & 18 Vict. c. 104. s. 341.

474. Such pilotage certificate shall not be in force for more than one year, unless the same is renewed, which may from time to time be done by an indorsement under the hand of the secretary or other officer of the authority by whom such certificate was granted.

The Board of Trade may examine and grant pilotage certificates to masters and mates in certain cases. 17 & 18 Vict. c. 104. s. 342.

475. If it appear to the Board of Trade, upon complaint made to them, that any pilotage authority have done any one or more of the following things:

1. Have refused or neglected to examine any master or mate who has applied to them for the purpose of being examined; or,
2. After such master or mate has passed the examination, have, without reasonable cause, refused or neglected to grant him a pilotage certificate; or,
3. Have unfairly or improperly conducted the examination of such master or mate; or,
4. Have imposed or sought to impose unfair or improper terms upon such examination or the granting of such certificate; or,
5. Have improperly withdrawn a pilotage certificate granted by such authority or by the Board of Trade,

the Board of Trade may, if they think fit, appoint persons to examine, or request the Trinity House to examine, or to appoint persons to examine, such master or mate, and if, upon such examination, he is found competent, may, upon such terms and conditions, and subject to such regulations as the board think fit, grant him a pilotage certificate.

Effect of Board of Trade certificate. 17 & 18 Vict. c. 104. s. 342.

476. Such certificate so granted to such master or mate by the Board of Trade shall,—

1. Contain the same particulars as would have been inserted in a certificate granted by such pilotage authority as aforesaid:
2. Have the same effect as if it had been so granted:
3. Be capable of renewal from year to year, either by such pilotage authority by an endorsement, in like manner as if it had been granted by them, or by the Board of Trade, by an endorsement thereon under the hand of some officer of the Board of Trade.

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Licensing of Masters and Mates.

Fees to be paid upon such certificate and the renewals thereof. 17 & 18 Vict. c. 104. s. 343.

477. All masters or mates to or for whom any such pilotage certificates are granted or renewed by any pilotage authority, shall pay to such authority, or as they direct, such fees upon their respective certificates and upon the renewals thereof as are from time to time fixed for that purpose by such authority, with the consent of the Board of Trade.

All masters and mates to or for whom any such certificates are granted or renewed by the Board of Trade shall pay to such board, or as they direct, such fees upon their certificates and upon the renewals thereof as may be fixed by such board, not being less than the fees payable by the licensed pilots in the same district upon their licences and the renewal thereof.

Such fees shall in the case of certificates granted or renewed by a pilotage authority be applicable either to paying the expense of the examinations, or any other general expenses connected with pilotage incurred by such authority, or to the Pilots Superannuation Fund of the district (if any), or otherwise for the benefit of the pilots licensed by such authority, as such authority think fit.

Such fees shall in the case of pilotage certificates granted or renewed by the Board of Trade be applicable to the expense of the examinations, and the surplus (if any) shall be applied for the benefit of the licensed pilots of the district to which such certificates apply, in such manner as such board think fit.

Power to withdraw pilotage certificates. 17 & 18 Vict. c. 104. s. 344.

478. If at any time it appears to any pilotage authority or to the Board of Trade (as the case may be) that any master or mate to whom a pilotage certificate has been granted by such authority, or by the Board of Trade, has been guilty of misconduct, or has shown himself incompetent to pilot his ship, they may thereupon withdraw his certificate, and such certificate shall thenceforth cease to be of any effect whatever.

No owner to be free from liability by reason of employing a licensed pilot.

479. Nothing in this Act shall be deemed to oblige the owner or master of any ship to employ or to give his ship into the charge of a pilot, either on the ground of his being compelled to pay pilotage dues to any person or otherwise, or to exempt any owner or master of any ship from liability for any loss or damage occasioned by his ship to any person or property, on the ground either of such ship being in the charge of a licensed pilot, or of such loss or damage being occasioned by the act or default of a licensed pilot or on any other ground.

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Offences of Pilots.

Offences of pilots. 17 & 18 Vict. c. 104. s. 365.

Offences of Pilots.

480. If any licensed pilot commits, either within or without the district for which he is licensed, any of the following offences :

(1.) Keeps himself, or is interested in keeping by any agent, servant, or person, any public house or place of public entertainment, or sells or is interested in selling any wine, spirituous liquors, tobacco, or tea ;

(2.) Commits any fraud or offence against the revenues of customs or inland revenue or the laws relating thereto ;

(3.) Is in any way directly or indirectly concerned in any corrupt practices relating to ships, their tackle, cargoes, crews, or passengers, or to persons in distress at sea or by shipwreck, or to their moneys, goods, or chattels ;

(4.) Lends his licence ;

(5.) Acts as pilot whilst suspended ;

(6.) Acts as pilot when in a state of intoxication ;

(7.) Employs or causes to be employed on behalf of any ship of which he has the charge any steamboat, boat, anchor, cable, or other store, matter, or thing beyond what is necessary for the service of such ship, with the intent to enhance the expenses of pilotage for his own gain or for the gain of any other person ;

(8.) Refuses or wilfully delays, when not prevented by illness or other reasonable cause, to take charge of any ship within the limits of his licence, upon the signal for a pilot being made by such ship, or upon being required to do so by the master, owner, agent, or consignee thereof, or by any officer of the pilotage authority by whom such pilot is licensed, or by any principal officer of customs ;

(9.) Unnecessarily cuts or slips or causes to be cut or slipped any cable belonging to any ship ;

(10.) Refuses, when requested by the master, to conduct the ship on board of which he is into any port or place into which he is licensed to conduct the same, except on reasonable ground of danger to the ship ;

(11.) Quits the ship which he has undertaken to pilot without the consent of the master, before the service for which he was hired has been performed,

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Offences of Pilots.

such pilot shall for each offence, in addition to any liability for damages, be liable to a penalty not exceeding one hundred pounds, and also to suspension or dismissal by the authority by whom he is licensed; and every person who procures, abets, or connives at the commission of such offence, shall for each offence, in addition to any liability for damages, be liable to a penalty not exceeding *one hundred pounds*, and in case he is a licensed pilot be also liable to suspension or dismissal by the authority by whom he is licensed.

And such penalty as aforesaid shall be summarily recoverable.

Penalty on pilot endangering ship, life, or limb. 17 & 18 Vict. c. 104. s. 366.

481. If any pilot, when on board any ship for the purpose of piloting her, by wilful breach of duty or by neglect of duty, or by reason of drunkenness, either

(*a.*) Does any act tending to the immediate loss, destruction, or serious damage to such ship, or tending immediately to endanger the life or limb of any person on board such ship, or

(*b.*) Refuses or omits to do any lawful act proper and requisite to be done by him for preserving such ship from loss, destruction, or serious damage, or for preserving any person belonging to or on board of such ship from danger to life or limb,

he shall for each such offence be deemed guilty of a misdemeanor, and be liable to imprisonment for a period not exceeding *twelve* months with or without hard labour, and, if a licensed pilot, shall also be liable to suspension or dismissal by the pilotage authority by whom he is licensed.

Penalty for pilot obtaining charge of a ship by wilful misrepresentation. 17 & 18 Vict. c. 104. s. 367.

482. If any person by wilful misrepresentation of circumstances, upon which the safety of a ship may depend, obtains or endeavours to be employed to pilot such ship or to obtain the charge of such ship, or procures, abets, or connives at such misrepresentation, he shall, in addition to any liability for damages at the suit of the person aggrieved, incur a penalty not exceeding *one hundred pounds*, and if a licensed pilot shall also be liable to suspension or dismissal by the authority by whom he is licensed.

And such penalty as aforesaid shall be summarily recoverable.

Penalty on licensed pilot receiving too large dues. 17 & 18 Vict. c. 104. s. 358.

483. A licensed pilot demanding or receiving any sum in respect of pilotage services greater than the dues for the time being demandable by law shall for each offence incur a penalty not exceeding *ten pounds*, and such penalty shall be summarily recoverable.

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Pilot Boats.

484. A licensed pilot shall not be entitled to sue for, demand, or receive any sum whatever in respect of salvage, unless with the consent and by the permission of the pilotage authority by whom he is licensed, and if any licensed pilot demands or receives any sum in respect of salvage except with the consent and permission and of the amount approved by such authority, he shall forfeit any claim to salvage, and shall be liable to suspension or dismissal by such authority.

Penalty on licensed pilot making improper demands in respect of salvage.

Pilot Boats.

485. All pilot boats regularly employed shall be approved and licensed by the pilotage authority of the district, who may, at their discretion, appoint and remove the masters thereof.

Pilot boats, how to be provided.
17 & 18 Vict. c. 104 s. 345.

486. The Trinity House shall have power, with the consent of the Board of Trade, to make from time to time regulations for the management and maintenance of any pilot boats belonging to any pilots for the time being under the Government of the Trinity House, and for the distribution of the earnings of any of such boats, and for the succession to and purchase and transfer of any interests therein, and such regulations shall, if and when confirmed by the Board of Trade, be binding upon all parties.

Trinity House to make regulations for the management of Trinity House Pilot Boats.
16 & 17 Vict. c. 129. part of s. 13.

487. Every pilot boat shall have the following characteristics:—

Characteristics of pilot boats.
17 & 18 Vict. c. 104. s. 346.

(1.) On her stern the name of her owner and the port to which she belongs, painted in white letters at least one inch broad and three inches long, and on each bow the number of her licence:

(2.) In all other parts a black colour painted or tarred outside, or such other colour or colours as the pilotage authority of the district, with the consent of the Board of Trade, direct;

(3.) When afloat during the daytime a flag (in this Act called a pilot flag) of large dimensions compared with the size of the pilot boat, and of two colours, the upper horizontal half white, and the lower horizontal half red; and at night two lights (in this Act called pilot lights) one above the other, the upper light bright, the lower light red; such pilot flag or pilot lights respectively to be placed at the mast head, or on a sprit or staff, or in some equally conspicuous situation;

And the master of such pilot boat shall be responsible for the following particulars: first, that the pilot boat possess all the above characteristics, and that the pilot flag and pilot lights be kept clean and

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Trinity House Pilot Fund.

distinct, so as to be easily discerned at a proper distance; secondly, that the names and numbers aforesaid be not at any time concealed; and if default be made in any of these particulars he shall for every such offence be liable to a penalty not exceeding *twenty pounds*, and such penalty shall be summarily recoverable.

Pilot, when in charge of ship, to display pilot flag.

488. Every pilot when on board and in charge of any ship, as such pilot, shall display a pilot flag under the ensign of such ship or in some other equally conspicuous situation, and if he fail to do so shall be liable to a penalty not exceeding *twenty pounds*, and such penalty shall be summarily recoverable.

Licensed pilot to display flag though not in pilot boat. 17 & 18 Vict. c. 104. s. 347.

489. Whenever a licensed pilot in the exercise of his calling as pilot goes off in a boat or ship not in the pilotage service he shall exhibit during the daytime a pilot flag and at night pilot lights, in order to show that such boat or ship has a licensed pilot on board; and if he fails to do so, without reasonable excuse (proof whereof shall lie on him), he shall for every such offence be liable to a penalty not exceeding *fifty pounds*, and such penalty shall be summarily recoverable.

Penalty on ordinary boat displaying pilot flag. 17 & 18 Vict. c. 104. s. 348.

490. If a boat or ship, not having a licensed pilot on board, displays a pilot flag or pilot lights, there shall be incurred for every such offence a penalty not exceeding *fifty pounds*, to be recovered from the owner or from the master of such boat or ship, and such penalty shall be summarily recoverable.

Trinity House Pilot Fund.

Payments to be made to the pilot fund. 17 & 18 Vict. c. 104. s. 385.

491. Subject to any alteration to be made by the Trinity House, there shall continue to be paid to them, and carried over to the Trinity House Pilot Fund, the sums of money following; (that is to say,)

(1.) A poundage of *sixpence* in the pound upon the pilotage earnings of all pilots licensed by the Trinity House;

(2.) A sum of *three pounds three shillings* to be paid on the first day of January in every year by every person licensed by the Trinity House to act as pilot in any district not under the superintendence of sub-commissioners, or in any part of such district;

And any licensed pilot giving a false account of his earnings, or making default in payment of any sum due from him under this section, shall forfeit *double* the amount payable, and shall further be liable, at the discretion of the Trinity House, to suspension or dismissal.

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492. Subject to any prior charges subsisting thereon by virtue of any Act of Parliament or otherwise, the Trinity House Pilot Fund shall be applied as follows, in the following order; (that is to say,)

Exemption of Her Majesty's Ships from operation of this Act.

Application of fund. 17 & 18 Vict. c. 104. s. 386, and 16 & 17 Vict. c. 129. s. 12.

(1.) In payment of such expenses as the Trinity House may duly incur in the performance of their duties in respect of pilots and pilotage;

(2.) Then in the payment of all superannuation allowances or other relief which either might have been payable by the Trinity House if the Pilotage Law Amendment Act, 1853, had not passed, to pilots licensed by them before the first day of October one thousand eight hundred and fifty-three, or to the widows and children of such pilots, or are payable by the Trinity House to Cinque Port Pilots licensed before such day as aforesaid, or to the widows and children of such pilots;

(3.) The residue shall (subject to any alteration to be made by the Trinity House) be administered by them for the benefit of those pilots licensed by them after the first day of October one thousand eight hundred and fifty-three, who are incapacitated by reason of age, infirmity, or accident, and of the widows and children of pilots so licensed, or of such incapacitated pilots only.

Exemption of Her Majesty's Ships from operation of this Act.

Exemption of ships in Her Majesty's service, &c. from rates, &c. 10 & 11 Vict. c. 72, s. 21.

493. Nothing in this Act shall charge with dues, or regulate or subject to control, any ship of or in the service of Her Majesty, her heirs and successors, or of any member of the royal family,—or any ship in the service of the Board of Trade, Customs, or Excise, or a general lighthouse authority not conveying goods for hire,—or any packet boat or post office packet (as defined in any Act relating to the post office), or any post office bag of letters conveyed thereby or otherwise,—or any person in the service of the Admiralty, War Office, Customs, Excise, or Post Office, or his baggage,—or any ship or goods under seizure by officers of revenue,—or any naval, victualling or ordnance stores, or other stores or goods of or for the service of Her Majesty,—or any troops or their baggage.

If any person claims and takes the benefit of the present section without being entitled thereto he shall for every such offence be liable to a penalty not exceeding *ten pounds*, and such penalty shall be summarily recoverable.

SCHEDULE TO PILOTAGE ACT - - -

TABLE of the RATES of PILOTAGE DUES to be demanded and received by Pilots licensed by the

FROM	TO	7 feet and under.			8 feet.			9 feet.			10 feet.			11 feet.		
		£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
The Isle of Wight, and vicè versâ - - -	The Downs - - - -	3	10	0	4	0	0	4	10	0	5	0	0	5	10	0
Off Dungeness to off Folkestone, the church bearing N.N.W. by compass, and vicè versâ - -	Ditto - - -	0	18	0	1	0	0	1	2	0	1	4	0	1	6	0
Off Folkestone to the South Foreland—the Lights in one, and vicè versâ -	Ditto - - - - -	0	10	0	0	12	0	0	14	0	0	16	0	0	18	0
The Sea, the Downs, Orfordness, or Hoseley Bay, and vicè versâ - - -	The Nore or Warps - - -	3	5	0	3	14	0	4	3	0	4	12	0	5	1	0
	Sheerness, Stangate Creek, or Blackstakes - - -	3	14	0	4	5	0	4	16	0	5	7	0	5	18	0
	Gravesend or Chatham - -	4	3	0	4	16	0	5	9	0	6	2	0	6	15	0
Pilots duly licensed to conduct Vessels beyond Gravesend, either inwards or outwards, and continuing in charge to or from any of the within-mentioned places, as the case may be, are to be paid	The Sea, the Downs, Orfordness, or Hoseley Bay, & vicè versâ. — Long Reach or Greenhithe - -	4	7	0	5	1	0	5	15	0	6	9	0	7	3	0
	Erith - - - - -	4	12	0	5	6	0	6	0	0	6	14	0	7	8	0
	Woolwich or Blackwall - -	4	14	0	5	9	0	6	4	0	6	19	0	7	14	0
	Moorings, London Docks, City Canal, or St. Katharine's Docks - -	5	0	0	5	15	0	6	10	0	7	5	0	8	0	0
	The Nore, or Warps, and vicè versâ. — Greenhithe, Long Reach, or Chatham	2	2	0	2	7	0	2	12	0	2	17	0	3	2	0
	Erith - - - - -	2	5	0	2	11	0	2	17	0	3	3	0	3	9	0
	Woolwich or Blackwall - -	2	10	0	2	16	0	3	2	0	3	8	0	3	14	0
	Moorings, London Docks, City Canal, or St. Katharine's Docks - -	2	18	0	3	5	0	3	12	0	3	19	0	4	6	0
The Nore or Warps, and vicè versâ - -	Sheerness, Stangate Creek, or Blackstakes - - -	0	17	0	1	0	0	1	3	0	1	6	0	1	9	0
	Gravesend - - - -	1	15	0	2	0	0	2	5	0	2	10	0	2	15	0
Gravesend Reach, and vicè versâ - - -	Greenhithe or Long Reach - -	0	9	0	0	13	0	0	17	0	1	1	0	1	5	0
	Erith - - - -	0	15	0	1	0	0	1	5	0	1	10	0	1	15	0
	Woolwich or Blackwall - -	1	0	0	1	6	0	1	12	0	1	16	0	2	4	0
	Moorings, London Docks, City Canal, or St. Katharine's Docks - -	1	4	0	1	11	0	1	18	0	2	5	0	2	12	0
	Sheerness, Stangate Creek, or Blackstakes - - -	2	10	0	2	15	0	3	0	0	3	4	0	3	10	0
	Chatham - - - -	2	18	0	3	3	0	3	8	0	3	13	0	3	18	0
Erith Reach and vicè versâ	Woolwich or Blackwall - -	0	15	0	0	18	0	1	1	0	1	4	0	1	9	0
	Moorings, London Docks, City Canal, or St. Katharine's Docks - -	1	1	0	1	4	0	1	7	0	1	10	0	1	15	0
Greenhithe, or Long Reach, and vicè versâ - -	Woolwich or Blackwall - -	0	17	0	1	0	0	1	3	0	1	6	0	1	12	0
	Moorings, London Docks, City Canal, or St. Katharine's Docks - -	1	3	0	1	6	0	1	9	0	1	14	0	2	2	0
	Sheerness, Stangate Creek, or Blackstakes - - -	2	18	0	3	1	0	3	4	0	3	7	0	3	14	0
	Chatham - - - -	3	6	0	3	9	0	3	12	0	3	15	0	4	3	0
Woolwich or Blackwall, and vicè versâ - -	Moorings, London Docks, City Canal, or St. Katharine's Docks - -	0	17	0	1	0	0	1	3	0	1	6	0	1	9	0
	Sheerness, Stangate Creek, or Blackstakes - - -	3	6	0	3	10	0	3	14	0	3	18	0	4	2	0
	Chatham - - -	3	14	0	3	17	0	4	0	0	4	3	0	4	11	0
Chatham - - -	Sheerness, Stangate Creek, or Blackstakes - - - -	1	15	0	1	18	0	2	1	0	2	4	0	2	11	0

From Sea in or out of Ramsgate, Margate, Dover, or Sandwich Harbours, 5*s.* per foot of the vessel's draft of water.

For vessels exceeding 23 feet an increase in the rates for each foot or part of a foot, in the same proportion

The several rates and prices specified above are subject to a reduction of one fourth part, in respect of vessels or towed by a steam vessel for a part only of the distance for which any such rate or price may be payable, the distance so propelled or towed.

SCHEDULE TO PILOTAGE ACT.

Corporation of Trinity House of Deptford Strond, for piloting Ships within the London District.

12 feet.			13 feet.			14 feet.			15 feet.			16 feet.			17 feet.			18 feet.			19 feet.			20 feet.			21 feet.			22 feet.			23 feet.		
£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
6	0	0	6	10	0	7	2	0	7	14	0	8	9	0	9	4	0	10	4	0	11	4	0	12	14	0	14	4	0	16	4	0	18	4	0
1	8	0	1	10	0	1	13	0	1	16	0	2	0	0	2	4	0	2	9	0	2	14	0	3	0	0	3	6	0	3	16	0	4	6	0
1	0	0	1	2	0	1	5	0	1	8	0	1	12	0	1	16	0	2	1	0	2	6	0	2	12	0	2	18	0	3	6	0	3	14	0
5	10	0	5	19	0	6	9	0	6	19	0	7	15	0	8	11	0	9	11	0	10	11	0	11	16	0	13	1	0	14	16	0	16	11	0
6	9	0	7	0	0	7	13	0	8	6	0	9	4	0	10	2	0	11	7	0	12	12	0	14	4	0	15	16	0	17	16	0	19	16	0
7	8	0	8	1	0	8	16	0	9	11	0	10	11	0	11	11	0	13	1	0	14	11	0	16	11	0	18	11	0	20	16	0	23	1	0
7	17	0	8	11	0	9	6	0	10	1	0	10	19	0	11	17	0	13	12	0	15	7	0	17	12	0	19	7	0	22	7	0	24	17	0
8	2	0	8	16	0	9	12	0	10	8	0	11	8	0	12	8	0	14	8	0	16	8	0	18	13	0	20	18	0	23	13	0	26	8	0
8	9	0	9	4	0	10	0	0	10	16	0	11	16	0	12	16	0	14	16	0	16	16	0	19	6	0	21	16	0	24	11	0	27	6	0
8	15	0	9	10	0	10	7	0	11	4	0	12	4	0	13	4	0	15	9	0	17	14	0	20	4	0	22	14	0	25	14	0	28	14	0
3	7	0	3	12	0	3	18	0	4	4	0	4	12	0	5	0	0	5	10	0	6	0	0	6	15	0	7	10	0	8	8	0	9	16	0
3	15	0	4	1	0	4	8	0	4	15	0	5	6	0	5	17	0	6	12	0	7	7	0	8	5	0	9	3	0	10	8	0	11	13	0
4	0	0	4	6	0	4	16	0	5	6	0	5	18	0	6	10	0	7	5	0	8	0	0	9	0	0	10	0	0	11	10	0	13	0	0
4	13	0	5	0	0	5	10	0	6	0	0	6	12	0	7	4	0	8	4	0	9	4	0	10	9	0	11	14	0	13	4	0	14	14	0
1	12	0	1	15	0	1	18	0	2	2	0	2	6	0	2	10	0	2	14	0	2	18	0	3	2	0	3	6	0	3	10	0	3	14	0
3	0	0	3	5	0	3	11	0	3	17	0	4	5	0	4	13	0	5	5	0	5	17	0	6	13	0	7	9	0	8	9	0	9	9	0
1	9	0	1	13	0	1	18	0	2	3	0	2	9	0	2	15	0	3	2	0	3	6	0	3	11	0	4	6	0	4	18	0	5	10	0
2	0	0	2	5	0	2	11	0	2	17	0	3	4	0	3	11	0	4	1	0	4	11	0	5	5	0	5	19	0	6	17	0	7	15	0
2	10	0	2	16	0	3	4	0	3	11	0	3	19	0	4	7	0	4	19	0	5	11	0	6	11	0	7	11	0	8	16	0	10	1	0
2	19	0	3	6	0	3	14	0	4	2	0	4	11	0	5	0	0	5	15	0	6	10	0	7	15	0	9	0	0	10	10	0	12	0	0
3	15	0	4	0	0	4	7	0	4	14	0	5	4	0	5	14	0	6	6	0	6	18	0	7	13	0	8	8	0	9	6	0	10	4	0
4	3	0	4	8	0	4	15	0	5	2	0	5	12	0	6	2	0	6	17	0	7	12	0	8	5	0	9	8	0	10	8	0	11	8	0
1	14	0	1	19	0	2	5	0	2	11	0	2	18	0	3	5	0	3	13	0	4	1	0	4	11	0	5	1	0	5	13	0	6	5	0
2	0	0	2	5	0	2	11	0	2	17	0	3	4	0	3	11	0	3	19	0	4	7	0	4	17	0	5	7	0	5	19	0	6	11	0
1	18	0	2	4	0	2	12	0	3	0	0	3	9	0	3	18	0	4	8	0	4	18	0	5	16	0	6	14	0	7	14	0	8	14	0
2	10	0	2	18	0	3	6	0	3	14	0	4	3	0	4	12	0	5	4	0	5	16	0	6	11	0	7	6	0	8	11	0	9	16	0
4	1	0	4	8	0	4	15	0	5	2	0	5	10	0	5	18	0	6	8	0	6	18	0	7	13	0	8	8	0	9	6	0	10	4	0
4	11	0	4	19	0	5	7	0	5	13	0	6	3	0	6	13	0	7	8	0	8	3	0	8	14	0	9	4	0	10	19	0	11	19	0
1	12	0	1	15	0	1	18	0	2	2	0	2	6	0	2	10	0	2	14	0	2	18	0	3	2	0	3	6	0	3	10	0	3	14	0
4	10	0	4	18	0	5	8	0	5	18	0	6	10	0	7	2	0	7	14	0	8	5	0	8	14	0	10	10	0	11	15	0	13	0	0
4	19	0	5	7	0	5	17	0	6	7	0	6	19	0	7	11	0	8	5	0	8	14	0	9	4	0	11	0	0	12	5	0	13	10	0
2	18	0	3	5	0	3	12	0	3	19	0	4	6	0	4	13	0	5	0	0	5	7	0	5	14	0	6	1	0	6	11	0	7	1	0

as between 22 and 23 feet.

propelled by steam and vessels towed by steam-vessels; provided that if any such vessel shall be propelled by steam reduction of one fourth shall be made on such part only of the said rate or price as shall be proportionate to the

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For putting a Pilot on board a Vessel either from the Cutters or from the Shore.

60 tons and under 150.	150 tons and under 250.	250 tons and under 400.	400 tons and under 600.	600 tons and under 1000.	1000 tons and upwards.
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1 0 0	1 5 0	1 10 0	2 0 0	2 10 0	3 3 0

Vessels not exceeding 70 tons, chiefly laden inwards with fish, corn, or other provisions, are to pay during the summer months, viz.: from Lady-day to Michaelmas-day inclusive, the following rates only, viz.:—

	£	s.	d.
From Sea to London or vice versâ - -	4	14	6
„ Gravesend to London or vice versâ -	1	5	0

Vessels exceeding 70 tons and not exceeding 100 tons, chiefly laden inwards with fish, corn, or other provisions, are to pay during the summer months, viz., from Lady day to Michaelmas-day inclusive, the following rates for the outward voyage, viz.:—

	£	s.	d.
From London to Gravesend - - -	1	5	0
„ do. to the Nore - - -	2	18	0
„ do. to the Sea - - - -	5	5	0

A pilot taking charge of a foreign vessel, on board of which there may not be any individual qualified to interpret his orders, shall be authorized to employ a person to assist him as leadsman or interpreter; provided it be distinctly understood that the necessity for the employment of such person shall be proved to the satisfaction of the Corporation of Trinity House, in which case only the following rates shall be chargeable in addition to the regular, viz.:—

	£	s.	d.
For the whole run from Sea to Gravesend -	2	10	0
„ ditto from Gravesend to sea -	1	0	0

The additional rate for intermediate portions of a foot, in the draft to be regulated as follows, viz.:—

For three inches and under - - - - No addition.
For more than three inches and under nine inches - The medium between the two rates.
For nine inches and upward - - - The rate for the next foot.

For removing a ship or vessel from moorings into a dry or wet dock, or from one part of the river situated above Blackwall to another part of the river so situated:—

	£	s.	d.
For a ship under 300 tons - - - -	0	15	0
Ditto of 300 to 600 tons - - -	1	1	0
Ditto of 600 to 1000 tons - - -	1	11	6
Ditto *above* 1000 tons - - - -	2	2	0

In the Thames above Gravesend,

	£	s.	d.
For a boat of a class carrying an anchor of above 4 cwt. with a corresponding tow line - - -	2	2	0
Do. Do. 2 cwt.	1	1	0
Do. Do. under 2 cwt.	0	15	0

Per trip for the whole distance from Gravesend to London, and in proportion for any part of that distance. And for each man's service in these boats 8*s*. per tide.

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Management of Lighthouses and Sea Marks by General Lighthouse Authorities.

PART VIII.

Lighthouses Act.

Preliminary.

Short title.

494. This Act may be cited as The Merchant Shipping Code (Lighthouses Act), 1870.

Incorporation of certain sections of General Provisions Act.

495. There shall be incorporated with this Act the sections of the Merchant Shipping Code (General Provisions Act), 1870, relating to "Legal Procedure," "Orders in Council," "Detention of Ship," "Dues," and "Construction."

Construction.

496. In this Act, unless the context otherwise requires,—

The term "lighthouse," in addition to the ordinary meaning of the word, includes a light ship and any floating or other light exhibited for the guidance of ships or boats, other than lights placed over wrecks, or for merely temporary purposes:

The term "sea mark" means a buoy, beacon, fixed fog signal, and any other sign or mark for the guidance of ships, not being a lighthouse as above defined.

17 & 18 Vict. c. 104. s. 389.

The term "local lighthouse authority" means any person or body of persons having by law or custom authority over local lighthouses or sea marks.

Management of Lighthouses and Sea Marks by General Lighthouse Authorities.

Management of lights to be vested in general lighthouse authorities. 17 & 18 Vict. c. 104. s. 389.

497. Subject to the saving of the rights of local lighthouse authorities in this Act, and to the other provisions of this Act, the superintendence and management of lighthouses and sea marks shall be vested,—

1. In England, the Isle of Man, Guernsey, Jersey, Alderney, and Sark, and the adjacent seas and islands, and Heligoland and Gibraltar, in the Trinity House:
2. In Scotland, and the adjacent seas and islands, in the Commissioners of Northern Lighthouses:
3. In Ireland, and the adjacent seas and islands, in the Commissioners of Irish Lights:

And, subject to the provisions of this Act, the Trinity House and those commissioners (in this Act called the general lighthouse

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authorities) shall respectively continue to hold and maintain all property at the commencement of this Act vested in them in that behalf, in the same manner and for the same purposes as they, before the commencement of this Act, held and maintained the same.

Provided always, that all property in the Isle of Man immediately before the commencement of this Act vested in the Commissioners of Northern Lighthouses shall at and after the commencement of this Act become vested in and be held by the Trinity House for the purposes for which the Commissioners of Northern Lighthouses before the commencement of this Act held the same.

Constitution of Commissioners of Northern Lighthouses. 17 & 18 Vict. c. 104. ss. 390, 391.

498. The following persons shall continue to be the body corporate under the name of the Commissioners of Northern Lighthouses, with a common seal; (that is to say,)

1. The Lord Advocate and the Solicitor General for Scotland for the time being:
2. The Lords Provosts of Edinburgh and Glasgow and the Provosts of the cities of Aberdeen, Inverness, and Campbeltown for the time being:
3. The chief bailies of Edinburgh and Glasgow for the time being:
4. The sheriffs of the counties of Edinburgh, Lanark, Renfrew, Bute, Argyle, Inverness, Ross, Orkney, Caithness, Aberdeen, Ayr, Fife, Forfar, Wigton, Sutherland, Kincardine, Kircudbright, and Elgin for the time being:
5. The persons elected Commissioners in the manner herein-after mentioned:
6. The Commissioners for the time being may from time to time elect the provost or chief magistrate of any royal or parliamentary borough of or near any part of the coast of Scotland, and every sheriff of any county abutting on such coast, to be a commissioner whilst holding the office of provost, chief magistrate, or sheriff.

Constitution of the Commissioners of Irish Lights. 26 G. 3. c. 19. Dublin Port Act, 1867, (30 Vict. c. 81.) s. 4.

499. The following persons shall continue to be a body corporate, with a common seal, under the name of the Commissioners of Irish Lights; (that is to say,)

1. Seventeen members, elected from time to time by the Commissioners, subject to the approval of the Lord Lieutenant and Privy Council of Ireland:
2. The Lord Mayor of the City of Dublin for the time being:
3. The High Sheriff of the City of Dublin for the time being:
4. One Commissioner appointed by the Board of Trade, and paid such salary as the Board of Trade may fix.

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Appointment of Commissioners of Irish Lights. 26 G. 3. c. 19. ss. 11. to 15.

500. Whenever there is any vacancy among the elected members of the Commissioners of Irish Lights the Commissioners, at a meeting convened in the manner and with the notice in and with which their meetings are ordinarily convened, or in such other manner and with such other notice as the Lord Lieutenant of Ireland may from time to time direct, may elect a fit person to fill up the vacancy.

The Commissioners shall send a notice, stating the name and address and condition in life of the person so elected, to the Lord Lieutenant and Privy Council of Ireland. If within twenty-one days after the receipt of such notice the Lord Lieutenant and Privy Council signify to the Commissioners their disapproval of the person so elected, the election shall be void and the Commissioners may proceed to elect another person in the same manner as if there had been no previous election.

If the Lord Lieutenant and Privy Council signify their approval of the person so elected, or fail within the said twenty-one days to signify their disapproval, the person so elected shall be a Commissioner of Irish Lights.

A Commissioner may resign his office by notice in writing sent to the Commissioners, and if during three consecutive months a Commissioner is absent from all meetings of the Commissioners except on account of illness, or some reasonable cause previously approved by the Commissioners by an entry in their minutes, such Commissioner shall cease to be a Commissioner and his office shall be vacant.

The term "Lord Lieutenant" in this section includes any chief governor or governors of Ireland for the time being.

Power of Trinity House to inspect lighthouses in district of other general lighthouse authorities. 17 & 18 Vict. c. 104. s. 392.

501. The Trinity House, their engineers, workmen, and servants, may at all times enter any lighthouse in the district of either of the other general lighthouse authorities, and any lands or buildings held or occupied by such authority, to view the condition thereof, or otherwise for the purposes of this Act, and may at all times inspect and examine all lighthouses and sea marks in the district of either of those authorities.

Returns to be made to the Board of Trade. 17 & 18 Vict. c. 104. s. 393.

502. The general lighthouse authorities and their respective officers shall at all times give to the Board of Trade such returns, explanations, and information in relation to the lighthouses and sea marks within their district as the Board may from time to time require.

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Construction of new Lighthouses and Sea Marks by General Lighthouse Authorities.

Board of Trade may appoint persons to inspect lighthouses, &c.
17 & 18 Vict. c. 104. s. 393.

503. The Board of Trade, on complaint to the effect that any lighthouse or sea mark under the management of any general lighthouse authority, or any work connected therewith, is inefficient or improperly managed or unnecessary, may authorize any person to inspect the same; and every person so authorized may inspect the same accordingly, and make such inquiries in respect thereof and of the management thereof, as he thinks fit; and all officers and others having the care or concerned in the management of such lighthouse or sea mark shall furnish all such information and explanations in relation thereto as he may require.

Construction of new Lighthouse and Sea Marks by General Lighthouse Authorities.

Power of general lighthouse authorities to erect, place, and alter lighthouses, &c.
17 & 18 Vict. c. 104. s. 404.

504. Each general lighthouse authority shall within their district have power (subject, however, as regards the Commissioners of Northern Lighthouses and the Commissioners of Irish Lights, to the regulations contained in the first schedule to this Act,) to do all or any of the following things:—

1. To construct and place new lighthouses or sea marks, with all requisite works, approaches, and appurtenances, and alter and remove any existing lighthouses and sea marks:
2. To purchase and hold any land, or any estate, interest, or easement in or over land of any tenure, which may be necessary or suitable for the construction, placing, alteration, or removal of, or the making of roads or approaches to such lighthouses or sea marks, or for any purpose connected with use or convenience thereof, or for the maintenance of works connected with the same, or for the residence or use of light keepers, crews of light vessels, or attendants on or other persons engaged in the service of lighthouses or sea marks:
3. To vary the character of any lighthouse, or the mode of exhibiting lights therein:
4. To sell any land, or any estate, interest, or easement in or over land, of any tenure which belongs to such lighthouse authority:
5. When any continuing payment, burden, or obligation is incurred in the purchase, before or after the commencement of this Act, of any land, or any estate, interest, or easement in or over land of any tenure, and charged upon the Mercantile Marine Fund, to put an end to and compound

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for the same, with or without the consent of any party interested therein, by a reference to arbitration, in accordance with the provisions of the Lands Clauses Acts, of the amount due to such party as compensation for the determination of such payment, burden, or obligation, and the payment to him of the amount so found to be due.

Incorporation of Lands Clauses Acts. 17 & 18 Vict. c. 104. s. 412.

505. The Lands Clauses Acts are hereby incorporated in this Act, and shall apply to all lighthouses, lights, and sea marks to be constructed or placed, and to all land to be purchased, under the powers of this Act, and so far as regards the sale of superfluous land to all land held by any general lighthouse authority; and the provisions of those Acts which would be applicable in the case of a purchase of any land or sale of superfluous land shall be applicable in the case of the purchase or sale of any estate, interest, or easement in or over land of any tenure, but no time shall be limited for the purchase or sale of any lands by any lighthouse authority; and for the purposes of this Act the expression "the promoters of the undertaking" and the "special Act" shall, whenever used in the said Acts so incorporated, mean respectively the "general lighthouse authorities" and "this Act."

Power of Trinity House, with sanction of Board of Trade, to compel any execution of works by the general lighthouse authorities. 17 & 18 Vict. c. 104. s. 408.

506. The Trinity House shall have power to direct either of the other general lighthouse authorities to do the following works in the district of such authority:

1. To continue any existing lighthouses or sea marks:
2. To construct or place any new lighthouses or sea marks, or remove any existing lighthouses or sea marks:
3. To vary the character of any lighthouse, or the mode of exhibiting lights therein:

But no such directions shall be issued to either of such general lighthouse authorities until the sanction of the Board of Trade to the issue thereof has been obtained by the Trinity House, nor except in accordance with the regulations contained in the second schedule to this Act.

Power of Board of Trade to borrow, and of Public Works Loan Commissioners to advance money on

507. For the purposes of the construction and repair, and of extraordinary expenses connected with the services of lighthouses or sea marks, the Board of Trade may raise money by mortgaging the mercantile marine fund, and the payments to be carried thereto under the Merchant Shipping Code, 1870, or any of them, or any part thereof, to any person; and every such mortgage shall be in such form and under the hand and seal of such person as the Board

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of Trade from time to time direct; and no person lending money upon such mortgage shall be bound to see to the purpose for which the same is raised or the mode in which it is applied.

The Treasury may from time to time, on the security of any mortgage authorized by this section, advance to the Board of Trade, out of the growing produce of the Consolidated Fund of the United Kingdom, such sums of money, upon such terms, and at such rate of interest as the Treasury think fit, and may pay the same into the mercantile marine fund account; so, nevertheless, that the whole sum for the time being due in respect of such advances shall never at any one time exceed *two hundred thousand pounds*. All sums so advanced, and the interest thereon, shall be a charge on the mercantile marine fund, and on the payments to be carried thereto under this Act; and the Board of Trade shall make such provision for the repayment thereof out of the mercantile marine fund as the Treasury require.

credit of Mercantile Marine Fund. 17 & 18 Vict. c. 104., ss. 424–426.

The Public Works Loan Commissioners may, in accordance with the provisions of the Acts relating to them, out of moneys at their disposal for the purposes of harbours, advance money on the security of any mortgage authorized by this section without requiring any further security than such mortgage.

No advances by the Treasury or the Public Works Loan Commissioners shall prevent any lawful reduction assented to by the Treasury, or such commissioners, as the case may be, of all or any of the payments which are required by this Act to be carried to the mercantile marine fund.

Establishment of lighthouses, &c. to be fixed by Order in Council.

508. It shall be lawful for Her Majesty from time to time by Order in Council to do all or any of the following things:

1. To fix and from time to time alter the establishments to be maintained by each of the general lighthouse authorities on account of the services of lighthouses and sea marks:
2. To fix the sums to be paid out of the mercantile marine fund in respect of such establishments.

17 & 18 Vict. c. 104. s. 420.

Power to grant superannuation allowances.

509. It shall be lawful for every general lighthouse authority to grant from time to time, with the sanction of the Board of Trade, superannuation allowances or compensations to persons whose salaries are payable out of the mercantile marine fund, and who are discharged or retire, such allowances or compensations to be in all cases granted on the principles and according to the rules laid down by the Superannuation Act, 1859.

17 & 18 Vict. c. 104. s. 421. See also 16 & 17 Vict. c. 131. s. 13. 22 Vict. c. 26.

Approval of estimates and accounts

510. Every general lighthouse authority shall from time to time submit to the Board of Trade estimates of all expenses (other than

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General Light Dues.

for other expenses by the Board of Trade.

17 & 18 Vict. c. 104. ss. 422, 423.

establishment expenses for the time being fixed by Order in Council) to be incurred by them in respect of the services of lighthouses and sea marks, or of superannuation allowances or compensations, and whenever, in providing for a sudden emergency, they are obliged to incur expense without waiting until an estimate can be sanctioned, shall send to the Board of Trade as soon as possible a full account of such expense. The Board of Trade shall consider and may either disapprove such estimates and accounts, or approve the same, either with or without modification, and no expense of any general lighthouse authority in respect of such services (other than the sums so fixed as aforesaid for establishment expenses) shall be paid out of the mercantile marine fund or allowed in account, unless included in estimates or accounts approved by the Board of Trade.

Lighthouse authorities to account for receipt and expenditure to Board of Trade.

17 & 18 Vict. c. 104. s. 427.

511. Every general lighthouse authority shall account to the Board of Trade for their receipts from light dues, and for their expenditure as regards expenses paid out of the Mercantile Marine Fund, in such form, at such times, and with such details, explanations, and vouchers as the Board of Trade from time to time require, and shall, when required by the Board, permit all books of accounts kept by or under their respective direction to be inspected and examined by such persons as the Board appoint.

General Light Dues.

General light dues to be levied.

17 & 18 Vict. c. 104. s. 396.

512. Subject to any alteration to be made under the powers of this Act, each general lighthouse authority shall, in respect of lighthouses, and sea marks within their district, continue to levy dues (in this Act called general light dues) at the rate at which the same are levied at the commencement of this Act; and such dues shall be payable in respect of all ships, except ships or classes of ships exempted from the payment thereof at the commencement of this Act, or exempted under or by virtue of this Act.

Powers of general lighthouse authorities to alter and regulate dues.

17 & 18 Vict. c. 104. s. 398.

513. Each general lighthouse authority shall have power, by bye-law confirmed by Her Majesty in Council, to do from time to time all or any of the following things:

1. To exempt any ships or classes of ships from the payment of general light dues for the time being payable to such authority, and to annex any terms or conditions to such exemptions:
2. To fix and alter the times, places, and modes at and in which the general light dues payable to such authority are payable,

and generally to make regulations respecting the payment thereof: A.D. 1870.

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3. To substitute any other dues or classes of dues, whether by way of annual payment or otherwise, in respect of any ships or classes of ships, for the general light dues for the time being payable to such authority:

4. To alter and revoke anything done under the foregoing provisions of this section.

Publication of dues and regulations. 17 & 18 Vict. c. 104. s. 399.

514. A table of all general light dues due to each general lighthouse authority, with a copy of the regulations for the time being in force in respect thereof, shall be kept at every custom house where light duties are collected on account of such lighthouse authority; and every general lighthouse authority shall from time to time furnish copies of such tables and regulations gratis to the Commissioners of Customs in London, and to the principal officer of every such custom house; and such copies shall be posted up in such custom house or otherwise kept open at all reasonable times to the inspection of every person liable to the payment of any such dues.

General light dues to be collected and accounted for. 17 & 18 Vict. c. 104. s. 402.

515. Every person appointed by any general lighthouse authority to collect general light dues shall collect all general light dues at the port to which he is so appointed, whether the same be collected on account of the authority by whom he is appointed or of one of the other general lighthouse authorities, and shall pay over to the general lighthouse authority by whom he is appointed, or as they direct, the whole amount of light dues received by him.

Power of Her Majesty to revise general light dues. 17 & 18 Vict. c. 104. s. 397; 17 & 18 Vict. c. 104. s. 410.

516. It shall be lawful for Her Majesty from time to time by Order in Council to do the following things; namely,

1. To vary, by way of reduction or increase, all or any of the general light dues for the time being payable; so, however, that no such dues payable in respect of any lighthouse or sea mark in existence at the commencement of this Act be made to exceed the amount which has at any time before the commencement of this Act been payable in respect thereof, or to which such dues might during any part of such time lawfully have been raised:

2. To fix general light dues for new lighthouses. 17 & 18 Vict. c. 104. s. 410.

2. To fix, upon the completion or placing of any new lighthouse or sea mark within the district of any general lighthouse authority, the general light dues to be paid in respect of every ship which passes the same or derives benefit therefrom, and to alter, by way of reduction or increase, from time to time, the amount of such dues.

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Local Lighthouse Authorities.

Receipt for light dues.
17 & 18 Vict. c. 104. s. 400.

517. A receipt for light dues shall be given by the person appointed to collect the same to every person paying the same, and no officer of customs at any port at which general light dues are payable in respect of any ship shall grant a clearance or transire for any such ship unless the receipt for such light dues is produced to him; and if any such ship attempts to go to sea without such clearance or transire, any such officer may detain her until the receipt be produced.

Payments to be made to and expenses to be charged upon the Mercantile Marine Fund.
17 & 18 Vict. c. 104. ss. 417, 418.

518. All payments received by any general lighthouse authority under this Act shall be carried to the Mercantile Marine Fund; and all expenses incurred by any general lighthouse authority in the following things—

1. In the management and services of lighthouses and sea marks;
2. In permanently reducing the expense of such works and services;
3. In the purchase of local lighthouses or sea marks;
4. In putting an end to and compounding for continuing payments, burdens, or obligations incurred in the purchase of land;

shall be charged upon the Mercantile Marine Fund.

Local Lighthouse Authorities.

General power of local lighthouse authority.

519. Every local lighthouse authority may from time to time within their district, with the approval of the general lighthouse authority within whose district the local lighthouse authority acts, but not otherwise, construct and place all necessary and proper lighthouses and sea marks, and vary the character of any lighthouse or sea mark constructed or placed before or after the commencement of this Act, or the mode of exhibiting lights in any lighthouse, or otherwise, and discontinue any lighthouse or sea mark; but nothing in this section shall prevent a local lighthouse authority from—

1. Laying down any buoy for merely temporary purposes, or
2. Discontinuing any buoy so laid down as occasion requires, or
3. Shifting or making any other alteration in any sea mark whenever such shifting or other alteration is rendered necessary by changes in the state of the navigation, provided always, that such alteration be communicated within twenty-four hours after it is made to such general lighthouse authority and is made subject to their approval.

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Construction of new Lighthouses, &c. by Local Lighthouse Authorities.

Construction of new Lighthouses, &c. by Local Lighthouse Authorities.

520. In case any lighthouse or sea mark is constructed or placed, or reconstructed or replaced, by any lighthouse authority, either within or without the limits of their jurisdiction, it shall be lawful for Her Majesty in Council to do all or any of the following things:—

Local light dues to be fixed and varied by Order in Council. 25 & 26 Vict. c. 63. s. 46.

1. Upon application of such local lighthouse authority, to fix the dues (in this Act called local light dues) to be paid to them in respect of every ship which enters the port or harbour under the jurisdiction of such local lighthouse authority, or the estuary within which such lighthouse or sea mark is situate, and which passes such lighthouse or sea mark and derives benefit therefrom:
2. To vary from time to time, by way of reduction or increase, all or any of the local light dues for the time being payable to any local lighthouse authority:

so that in each case such dues may, so far as is practicable, be sufficient, and not more than sufficient, for the payment of the expenses incurred by such local lighthouse authority in respect of the lighthouse or sea mark in respect of which such dues are levied.

With regard to Orders in Council made on the application of a local lighthouse authority under the powers of this section, the regulations contained in the third schedule to this Act shall be observed.

Application of such local light dues. 25 & 26 Vict. c. 63. s. 47.

521. All local light dues leviable by any local lighthouse authority under or by virtue of this Act shall be applied to the construction, placing, maintenance, or improvement of the lighthouse or sea mark, or the system of lighthouses or sea marks, in respect of which the same are levied, and to no other purpose.

Account to be given of local dues. 25 & 26 Vict. c. 63. s. 47.

522. Every local lighthouse authority to whom such local light dues are paid shall keep a separate account of the receipt and expenditure of such dues, and shall, when required by the Board of Trade, once at least in every year, or at such other intervals as the Board of Trade determine, send a copy of such account to the Board of Trade, in such form, and accompanied by such particulars in relation thereto, as the Board of Trade from time to time require.

Payment and recovery of local light dues.

523. The local light dues for the time being payable under any Order in Council shall be payable by the same persons and shall be recoverable in the same manner as general light dues under this Act.

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Control of General over Local Authorities.

Control of General over Local Authorities.

524. Every local lighthouse authority and their officers shall at all times give to the general lighthouse authority within whose district they act all such returns, explanations, or information in relation to the lighthouses or sea marks under their management as such general lighthouse authority from time to time require.

Returns to be made by the local authorities to the general authority. 25 & 26 Vict. c. 63. s. 43.

525. Each general lighthouse authority, themselves or by their officers, shall from time to time inspect all lighthouses and sea marks situate within their district, but belonging to or under the management of any local lighthouse authority, and make such inquiries in respect thereof and concerning the management thereof as they think fit, and for that purpose may at all times enter any such lighthouse, or any building or land used in connexion therewith, or with such sea mark.

Inspection of lights, &c. by general authority. 25 & 26 Vict. c. 63. s. 43.

The local lighthouse authority, and all officers and others having the care of such lighthouses or sea marks, or concerned in the management thereof, shall furnish all such information and explanations in relation thereto as such general lighthouse authority or their inspecting officers may require. The general lighthouse authority shall communicate to each local lighthouse authority the results of such inspection, and shall make general reports of their results of the inspection to the Board of Trade, who shall lay the same before both Houses of Parliament.

Control of general authorities over local authorities. 17 & 18 Vict. c. 104. ss. 394, 395.

526. Each general lighthouse authority may, on giving reasonable notice of their intention to exercise the powers of this section, and with the approval of the Board of Trade, by a written requisition, require any local lighthouse authority within their district to do all or any of the following things:—

1. To place or exhibit any sea mark:
2. To discontinue any lighthouse or sea mark:
3. To vary the character of any lighthouse or the mode of exhibiting lights therein:
4. To vary any sea mark not placed or exhibited for merely temporary purposes:
5. To maintain in a proper or efficient state any lighthouse or sea mark at any place within the district of such general lighthouse authority.

Transfer to general lighthouse authority of powers of

527. If any local lighthouse authority fail to comply with such requisition, it shall be lawful for Her Majesty, by Order in Council, if it seem fit, to transfer to such general lighthouse authority the power which the local lighthouse authority have failed to exercise

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in respect of any lighthouse or seamark, and such lighthouse or sea mark, and the land and property belonging thereto or used therewith, and the dues payable in respect of the same, and in the event of such transfer it shall be lawful for Her Majesty in Council to fix, and from time to time vary, by way of reduction or increase, the amount of dues payable in respect of such lighthouse, light, or sea mark.

Saving.

local lighthouse authority on default of latter.

17 & 18 Vict. c. 104. s. 395.

On an Order in Council being made for the transfer to the general lighthouse authority of such power, land, property, and dues, the same shall, without any conveyance, be transferred to and vested in such general lighthouse authority, and the dues so transferred, or the dues fixed, by any Order in Council, shall be payable to and recoverable by such general lighthouse authority, in the same manner as if they were general light dues. Such general lighthouse authority shall further have power to recover, as a debt due to them from such local lighthouse authority, all expenses incurred in doing any of the things which the local lighthouse have failed to do, upon the requisition of such general lighthouse authority.

Surrender of Local Lighthouses.

Local lighthouses may be surrendered to general lighthouse authority.

17 & 18 Vict. c. 104. s. 413.

528. Any local lighthouse authority, or other person holding any lighthouse or sea mark at any place within the district of any general lighthouse authority, may, if they think fit, surrender or sell the same to such general lighthouse authority, who may, with the consent of the Board of Trade, accept or purchase the same, the purchase money (if any) to be paid out of the Mercantile Marine Fund and thereupon such lighthouse and its appurtenances, or such sea mark, as the case may be, shall become vested in such general lighthouse authority, and such authority shall be entitled to receive all dues lawfully payable in respect thereof at the time of such surrender or sale, or, if Her Majesty, by Order in Council, so directs, such dues as might be fixed and made payable if the same were a new lighthouse or sea mark; and such lighthouse or sea marks, and the dues payable in respect thereof, shall, after such surrender or sale, be subject in all respects to the same regulations as other lighthouses and sea marks and general light dues provided for by this Act.

Saving.

Saving of rights of local lighthouse authority.

529. All powers and rights at the commencement of this Act lawfully enjoyed or exercised otherwise than under any public general Act, by any local lighthouse authority, shall, except in so far as anything in this Act shall affect them, continue to be enjoyed by such authority.

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Colonial Lighthouses and Sea Marks.

Exercise of powers in Channel Islands.
17 & 18 Vict. c. 104. s. 411.

530. No dues for any lighthouse or sea mark to be erected or placed in or near the islands of Guernsey, Jersey, Sark, or Alderney shall be taken in the said islands of Guernsey or Jersey without the consent of the states of the said islands respectively; and no powers by this Act given to the Trinity House in respect of any lighthouse or sea mark constructed or placed in the islands of Guernsey or Jersey, or hereafter to be constructed or placed in such islands, shall be exercised without the consent of Her Majesty in Council.

Colonial Lighthouses and Sea Marks.

Her Majesty may fix light dues for colonial lighthouses.
18 & 19 Vict. c. 91. s. 2.

531. Where any lighthouse or sea mark has been or is, before or after the commencement of this Act, constructed or placed on or near the coast of any British possession other than the Isle of Man and the Channel Islands, by or with the consent of the legislature of that possession, it shall be lawful for Her Majesty, by Order in Council, to fix such dues (in this Act called colonial light dues) to be payable in respect thereof, or in respect of any lighthouses which by reason of nearness form one combination, as to Her Majesty may seem reasonable, and in like manner from time to time increase, diminish, or repeal such dues, and from and after the time specified in any such order for the commencement of any dues collectable thereunder the same shall be collectable throughout Her Majesty's dominions in respect of every ship which passes such lighthouse or sea mark, and derives benefit therefrom, in the manner in this Act provided.

Consent of legislature to light dues in colony.
18 & 19 Vict. c. 91. s. 3.

532. No colonial light dues shall be levied in any British possession, other than the Isle of Man and the Channel Islands, until the legislature of such possession has, either by address to the Crown or by Act or Ordinance, signified the opinion of such legislature that the same ought to be levied in the British possession.

Payment of colonial light dues.
Mode of collecting colonial light dues.
18 & 19 Vict. c. 91. s. 4.

533. Colonial light dues shall be payable by the same persons and recoverable in the same manner as general light dues are under this Act, and shall in the United Kingdom be collected by the same persons, by the same means, in the same manner, and subject to the same conditions, as far as circumstances permit, as the general light dues leviable under this Act are collected, and shall in each British possession be collected by such persons as the governor of the possession appoints for the purpose, and by the same means, in the same manner, and subject to the same conditions, so far as circumstances permit, as the general light dues leviable under this Act, or by such other means, in such other

manner, and subject to such other conditions as the legislative authority in such possession directs.

False Lights and Damage to Lighthouses.

534. All colonial light dues collected under this Act shall be paid over to Her Majesty's Paymaster General at such time and in such manner as the Board of Trade from time to time direct, and shall be applied, paid, and dealt with by him, for the purposes prescribed by this Act, in such manner as the Board of Trade direct.

Colonial light dues to be paid to the Paymaster General.
18 & 19 Vict. c. 91. s. 5.

535. All colonial light dues shall, after deduction of the expenses of collection, be applied towards defraying the cost of the construction, placing, and maintenance of the lighthouse or sea mark, or the combination of lighthouses or sea marks, in respect of which the dues are levied, and for no other purpose.

Application of colonial light dues.
18 & 19 Vict. c. 91. s. 6.

536. For the purpose of constructing or placing, or reconstructing, repairing, or replacing, any colonial lighthouse or sea mark, the Board of Trade may raise, on the security of the dues to be levied in respect thereof, such sums of money as they think fit; and the Commissioners of Her Majesty's Treasury, out of any money provided by Parliament, the Public Works Loan Commissioners, out of any moneys at their disposal for the purposes of loans to harbours, and any other person or body, may advance the same accordingly, such advances to be made in the same manner, with the same powers, and subject to the same provisions, so far as circumstances permit, as advances may be made under this Act on the security of the Mercantile Marine Fund for the construction and repair of lighthouses in the United Kingdom.

Power to borrow money on security of colonial light dues.
18 & 19 Vict. c. 91. s. 7.

537. Accounts shall be kept of all sums expended in the construction, placing, reconstruction, repair, and maintenance of every lighthouse and sea mark in any British possession for which dues are levied under this Act, and of the dues received in respect thereof, in such manner as the Board of Trade from time to time direct, and shall be audited in such manner as Her Majesty by Order in Council from time to time directs, and for the purpose of such audit may be deemed to be public accounts; and abstracts thereof, with the report of the auditors (if any), shall be laid annually before both Houses of Parliament.

Account for each lighthouse to be kept, and abstracts thereof laid before Parliament.
18 & 19 Vict. c. 91. s. 8.

False Lights and Damage to Lighthouses.

538. Every person who unlawfully and maliciously does any of the following acts; that is to say,—

1. Cuts away, casts adrift, removes, alters, defaces, sinks or destroys any lightship, floating light, or sea mark;

Maliciously removing or concealing marks or exhibiting false signals.

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False Lights and Damage to Lighthouses.

24 & 25 Vict. c. 97. ss. 47, 48.
17 & 18 Vict. c. 104. s. 414.

2. Does any act with intent to cut away, cast adrift, remove, alter, deface, sink, or destroy any lightship, floating light, or sea mark;

3. Injures any lighthouse or sea mark;

4. Exhibits any false light or sea mark;

shall be guilty of felony; and if convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and (if a male under the age of sixteen years) with or without whipping; and shall if found guilty of doing any of the acts mentioned in this section, with intent to bring any ship or boat into danger, be liable, at the discretion of the court, to be kept in penal servitude for life, or for any term not less than *five* years.

The Board of Trade, or the general lighthouse authority of the district in which any offence mentioned in this section is committed, may, if they think fit, prosecute summarily any person charged with such offence; and the person so prosecuted shall, if convicted of the offence, at the discretion of the court, either be committed to the common gaol or house of correction, there to be imprisoned with or without hard labour for any term not exceeding *eighteen* months, or forfeit and pay such sum of money, not exceeding *one hundred* pounds, as to the court seems fit; and such penalty shall be summarily recoverable.

Wilfully or negligently removing or concealing marks or exhibiting false signals.
17 & 18 Vict. c. 104. s. 414.

539. Every person who unlawfully and wilfully or negligently does any of the following acts; (that is to say,)

1. Cuts away, casts adrift, removes, alters, defaces, sinks, or destroys any lightship, floating light, or sea mark;

2. Does any act with intent to cut away, cast adrift, remove, alter, deface, sink, or destroy any lightship, floating light, or sea mark;

3. Injures any lighthouse or sea mark;

4. Exhibits any false light or sea mark;

5. Rides by or makes fast to any lighthouse or sea mark;

shall, in addition to the expenses of making good any damage so occasioned, be liable to a penalty not exceeding *fifty* pounds; and such penalty shall be summarily recoverable.

General lighthouse authorities may prohibit false lights.
17 & 18 Vict. c. 104. s. 415.

540. Whenever any fire or light, other than a light placed over a wreck or exhibited for a merely temporary purpose, is burnt or exhibited at such place or in such manner as to be liable to be mistaken for a light proceeding from a lighthouse, the general lighthouse authority within whose district such place is situate

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False Lights and Damage to Lighthouses.

may serve a notice upon the owner of the place where the fire or light is burnt or exhibited, or on the person having the charge of such fire or light, either personally or by delivery at the place of abode of such owner or person, or by affixing the same in some conspicuous spot near to such fire or light, and by such notice direct such owner or person, within a reasonable time therein specified, to extinguish or effectually screen such existing light, and to prevent for the future any similar fire or light; and any owner or person disobeying such notice shall be guilty of a common nuisance, and, in addition to any other penalties or liabilities of any kind thereby incurred, shall incur a penalty not exceeding *one hundred* pounds; and such penalty shall be summarily recoverable.

If not obeyed they may abate such lights. 17 & 18 Vict. c. 104. s. 416.

541. If any owner or person served with such notice neglects for a period of seven days to extinguish or effectually screen the fire or light therein mentioned, it shall be lawful for the general lighthouse authority within whose district the same is, by their servants or workmen, to enter upon the place whereon the same is, and forthwith extinguish such fire or light, doing no unnecessary damage; and all expenses incurred by such authority in such extinction may be recovered summarily by such authority from such person or owner as a penalty.

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SCHEDULES TO LIGHTHOUSES ACT.

FIRST SCHEDULE.

Regulations respecting the Construction of New Lighthouses, &c. by Commissioners in Scotland and Ireland.

1. In these regulations the term the "commissioners" means with respect to Scotland the Commissioners of Northern Lighthouses, and with respect to Ireland the Commissioners of Irish Lights.

2. These regulations apply to all cases in which the commissioners erect a new lighthouse or undertake any work in pursuance of the power given to the general lighthouse authorities by this Act to construct new lighthouses.

3. Before undertaking any such work the commissioners shall forward to the Trinity House a notice specifying fully the nature of the proposed work, and their reasons for undertaking it.

3. Forwarding to Trinity House specification of work. 17 & 18 Vict. c. 104. s. 405.

4. The Trinity House shall take the proposed scheme into their consideration, and notify to the commissioners their approval thereof, with or without modifications, or their rejection thereof.

4. Trinity House to consider proposal. 17 & 18 Vict. c. 104. s. 405.

5. The Trinity House shall forward to the Board of Trade a copy of their notification, accompanied by copies of all communications that have passed between the Trinity House and the commissioners.

5. Forwarding copy of notification to Board of Trade. 17 & 18 Vict. c. 104. s. 406.

6. The commissioners may forward to the Trinity House and the Board of Trade, or either of them, any objections or observations on or suggestions in respect of such notification.

6. Forwarding objections to the notification. 17 & 18 Vict. c. 104. s. 405.

7. The Board of Trade may give such directions as they think fit in relation to the matters submitted to them.

7. Directions by Board of Trade. 17 & 18 Vict. c. 104. s. 406.

8. The Trinity House shall communicate to the commissioners the directions of the Board of Trade.

8. Communication of the directions to commissioners. 17 & 18 Vict. c. 104. s. 407.

9. The commissioners shall on the receipt of such directions be bound to act in conformity therewith, and to do or forbear doing anything directed to be done or forborne.

9. Commissioners to act thereon. 17 & 18 Vict. c. 104. s. 407.

SECOND SCHEDULE.

Regulations respecting the Issue of Directions by the Trinity House to Commissioners in Scotland and Ireland.

1. In these regulations the term the "commissioners" means with respect to Scotland the Commissioners of Northern Lighthouses, and with respect to Ireland the Commissioners of Irish Lights.

2. These regulations apply to all cases in which the Trinity House are empowered by this Act to issue any directions to the commissioners respecting the continuance of existing lighthouses or the doing of other work.

3. Before issuing any such directions the Trinity House shall apply to the Board of Trade stating fully the nature of the work to which such proposed directions relate, and their reasons for proposing to direct the same.

4. The Trinity House shall at the same time give notice to the commissioners of their application to the Board of Trade, by causing a written notice thereof, and a copy of the proposed directions, to be delivered at the office of the commissioners in Edinburgh or Dublin.

5. Opportunity shall be afforded to the commissioners to submit to the Trinity House and to the Board of Trade any observations they see fit to make with respect to such application.

THIRD SCHEDULE.

Regulations as to Applications by Local Lighthouse Authorities for Orders in Council.

1. These regulations apply to all cases in which local lighthouse authorities make an application for an Order in Council under the section of this Act which gives Her Majesty power to fix and reduce light dues.

2. Every local lighthouse authority shall, before making application for any such Order in Council, give notice of the amount of the dues proposed to be fixed by the Order, by publishing the same twice at least in one and the same local newspaper, or by advertising in such a newspaper the times and place at which a copy of the same may be inspected.

3. Any person interested may lay before such local lighthouse authority, in writing, any objections or observations with reference thereto, and such authority shall take the same into their consideration, and make such alterations (if any) as they think fit in the dues proposed.

4. The local lighthouse authority shall, on making application for the Order in Council, forward all such objections and observations, with their answer thereto, for the consideration of Her Majesty in Council.

5. Every such Order in Council shall be published in the London, Dublin, or Edinburgh Gazette, according as the place to which the Order relates is situate in England, Ireland, or Scotland.

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Preliminary Inquiries.

PART IX.

Conservancy Act.

Preliminary.

Short title.

542. This Act may be cited as "The Merchant Shipping Code (Conservancy Act), 1870."

Incorporation of certain sections of General Provisions Act.

543. There shall be incorporated with this Act the sections of the Merchant Shipping Code (General Provisions Act), 1870, relating to "Legal Procedure," "Orders in Council," and "Construction."

Preliminary Inquiries.

On application to Parliament for Act to authorize works on tidal lands, &c., power for Board of Trade to institute preliminary inquiries. 14 & 15 Vict. c. 49.

544. Whenever, after the end of the present session, application is made by way of petition to Parliament for statutory powers to construct any work on, in, or over tidal lands, or a tidal water, or the seashore below low-water mark, the following provisions shall have effect:—

(1.) The petitioners shall deposit at the office of the Board of Trade, in addition to any plans or documents there deposited in compliance with the standing orders of either House of Parliament, such statements, plans, and documents as the Board of Trade require:

(2.) The Board of Trade may, if it seems expedient, appoint a competent person to be an inspector, for the purpose of inquiring, in such manner and at such time and place as the Board direct, into any matter relative to the application:

(3.) For the purposes of the inquiry, the inspector shall have the same powers as to the summoning and examination of witnesses as an inspector of the Board of Trade appointed under The Merchant Shipping Code (General Provisions Act), 1870; and all the provisions of that Act shall apply accordingly:

(4.) Before instituting any such inquiry the Board of Trade may, if they think fit, require and take security, by way of recognizance to Her Majesty, or otherwise, for the pay-

ment of the whole or any part of the expenses to be incurred by them in respect of the inquiry, including the remuneration of the inspector.

Like power for Admiralty where interests of Naval Service affected. 25 & 26 Vict. c. 69. s. 4.

545. With respect to the same applications the following provisions also shall have effect:—

(1.) In each year the Board of Trade shall furnish to the Admiralty a list of all such applications as aforesaid then pending, with a short statement of the nature of the works for the construction whereof powers are sought in each case:

(2.) Where in any case, on consideration of the information so furnished, the Admiralty are of opinion that it is proper for them to take steps with a view to the protection of the interests of Her Majesty's Naval Service, they may exercise the like powers as are by this Act given to the Board of Trade; and in that case the provisions of this Act relating to preliminary inquiries shall apply to the Admiralty and any inspector appointed by them, whether the standing orders of either House of Parliament have or have not required any documents to be deposited at the Admiralty Office.

Deposit of plans with Board of Trade under 23 & 24 Vict. c. 152. s. 41., 25 & 26 Vict. c. 69. s. 7.

546. With respect to any application to be hereafter made under The Tramways (Ireland) Act, 1860, section forty-one of that Act shall be read as if the Board of Trade were therein named instead of the Admiralty, and as if the provisions of this Act relating to preliminary inquiries were therein incorporated instead of The Preliminary Inquiries Act, 1851.

Regulations as to Works.

Restriction on works affecting harbours or navigation, under statutory powers. 8 & 9 Vict. c. 20. s. 17., 8 & 9 Vict. c. 33. s. 17., 10 & 11 Vict. c. 27. ss. 12, 13.

547. Where any person has a right to construct any work on, in, over, through, or across tidal lands or a tidal water, or the seashore below low-water mark, by virtue of statutory powers for that purpose obtained, the following provisions shall have effect:—

(1.) Before commencing the construction of the work, such person shall deposit at the office of the Board of Trade a plan of the whole work:

(2.) The work shall not be constructed or commenced otherwise than according to a plan approved by the Board of Trade:

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Regulations as to Works.

(3.) If the land, water, or shore in, on, over, through, or across which the work is to be constructed is under the jurisdiction of a local conservancy authority, the Board of Trade shall not approve such plan until they have consulted such conservancy authority:

(4.) When the work is constructed it shall not be altered or extended without the approval of the Board of Trade:

(5.) Where the land on which the work is to be constructed belongs to Her Majesty in right of Her Crown, and is under the management of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, such person shall, before commencing the construction of the work, give at least one month's notice in writing to such Commissioners, stating the nature and position of the proposed work; and shall not enter on, take, or use any of such land without the consent in writing of the said Commissioners, or one of them, on behalf of Her Majesty, which consent they or he may give:

(6.) If any alteration in any part of the original plans and sections deposited in relation to the work is sanctioned by the special Act, then, before commencing the construction of the work, such person shall deposit a partial plan and section similar to the original, but showing the alteration, with every clerk of the peace, sheriff clerk, town clerk, clerk of poor law union, parish clerk, and schoolmaster (as the case may be) with whom that part of the original was required to be deposited, and also with the Board of Trade:

(7.) If any person acts in any respect in contravention of any provision of the present section in relation to any work, the Board of Trade may, at the expense of that person, abate and remove the work and restore the site thereof to its former condition.

Restriction on works affecting harbours or navigation, where there are no statutory powers. 40 G. 3. c. 153.

548. Where any person is desirous of constructing any work on, in, over, through, or across tidal lands, or a tidal water, or the seashore below low-water mark, claiming a right to construct the same otherwise than by virtue of statutory powers for that purpose obtained, the following provisions shall have effect:—

(1.) Before commencing the construction of the work, such person shall deposit at the office of the Board of Trade a plan of the whole work:

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Regulations as to Works.

(2.) Any person failing to make such deposit shall be liable to a penalty not exceeding *two hundred pounds*, to be recovered by the Board of Trade, and to go to the use of Her Majesty:

(3.) If it appears to the Board of Trade that the proposed work will not be or tend to the injury of navigation, or of any right belonging to or enjoyed by the public, the Board of Trade may approve the deposited plan, with or without modification or addition, and subject or not to any restriction or condition; and the work shall not be constructed otherwise than according to such approval, and when constructed shall not be altered or extended without the like approval; but any such approval shall not confer on any person any right to construct, alter, or extend any work which, independently thereof, he or they would not have had:

(4.) If it appears to the Board of Trade that the proposed work would be or tend to the injury of navigation, or of any right belonging to or enjoyed by the public, the Board of Trade may withhold approval of the deposited plan, and thereupon it shall not be lawful for such person to construct such work:

If any person construct any work in contravention of any provision of the present section, the Board of Trade may, at the expense of that person, abate and remove the work and restore the site thereof to its former condition.

Lights on works. 25 & 26 Vict. c. 19. s. 11., 26 & 27 Vict. c. 92. s. 13.

549. Every person constructing, altering, or extending any work on, in, over, through, or across tidal lands, or a tidal water, or the seashore below low-water mark, shall on or near the work, during the whole time of the constructing, altering, or extending thereof, exhibit and keep burning at his own expense every night from sunset to sunrise such lights (if any) as the Board of Trade from time to time require or approve; and (notwithstanding the enactments for the time being in force respecting lighthouses) shall also on or near such work, when completed, always maintain, exhibit, and keep burning every night from sunset to sunrise such lights (if any) for the guidance of ships as the Board of Trade from time to time require or approve.

If any person fails to comply in any respect with the provisions of this section he shall, for each night on which he so fails, be liable to a penalty not exceeding *twenty pounds*, and such penalty shall be summarily recoverable.

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Regulations as to Works.

Approval of Board of Trade to plans for bridge over tidal river. 26 & 27 Vict. c. 92. s. 14.

550. Where a person authorized or required by statutory powers obtained since the twenty-eighth of July one thousand eight hundred and sixty-three to construct a bridge or other work over a navigable tidal water, and the special Act conferring such powers does not make express provision respecting the span or spans thereof, then such person shall construct the same span or spans of such headway and waterway, and with such opening span or spans (if any), and according to such plan, as the Board of Trade direct or approve.

User of bridges. 26 & 27 Vict. c. 92. s. 15.

551. Where a bridge is constructed by virtue of statutory powers obtained since the twenty-eighth of July one thousand eight hundred and sixty-three with an opening span, it shall not be lawful to detain any ship or boat at the bridge or work for a longer time than may be necessary for admitting an engine, carriage, or other vehicle approaching the bridge to cross the bridge, and for opening the bridge to admit the ship or boat to pass; and the person constructing, owning, or managing such bridge shall be subject to and shall abide by such regulations with regard to the user of the bridge as may from time to time be made by the Board of Trade.

If such person detains a ship or boat longer than the time aforesaid, or fails in any respect to abide by any such regulation as aforesaid, he shall for every such offence be liable to a penalty not exceeding *twenty pounds*, without prejudice to any remedy against him for any loss or damage sustained by any person, and such penalty shall be recoverable accordingly.

Access to seashore under or across work. 26 & 27 Vict. c. 92. s. 16.

552. Where a work constructed by virtue of statutory powers for that purpose obtained after the twenty-eighth of July one thousand eight hundred and sixty-three cuts off access between the land and tidal water or tidal lands, then and in every such case the person constructing such work shall, during the construction thereof, and from time to time thereafter, make and shall permanently maintain, and allow to be used by all persons, at all times, free of toll or other charge, all such footways and carriageways over, under, or across the work, or on a level therewith, as the Board of Trade from time to time direct or approve: Provided always, as follows:

(1.) Such person shall not be obliged to make a footway or carriageway over lands for the use of any owner or occupier who has agreed to receive and has been paid compensation for the severance thereof from the tidal water or tidal lands:

(2.) Such person shall not be obliged to make or to allow to be made a footway or carriageway in such manner as would interfere with the working or using of the work;

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Regulations as to Works.

(3.) The expense of the making and maintenance of a footway or carriageway required to be made after the construction of the work shall be defrayed by the person interested in the tidal water or tidal lands for whose benefit or convenience the same is required.

Where the footway or carriageway is made across a railway on the level, then the manner of the making and watching of the level crossing shall be subject to the approval of the Board of Trade; and where the level crossing is made after the construction of the railway, then all expenses attending the watching thereof shall be defrayed by the person interested in the tidal water or tidal lands for whose benefit or convenience the same is required. 26 & 27 Vict. c. 92. s. 17.

Provision for preventing deviation of works along sea or tidal river without consent of Board of Trade. 26 & 27 Vict. c. 92. s. 17.

553. Where a work constructed by virtue of statutory powers for that purpose obtained after the twenty-eighth of July one thousand eight hundred and sixty-three skirts a public navigable tidal water, the work shall not deviate from the continuous centre line thereof marked on the plan deposited at the office of the Board of Trade, even within the limits of deviation shown on that plan, in such manner as to diminish the navigable space, without the previous consent of the Board of Trade, or otherwise than in such manner as may be expressly authorized by the Board of Trade.

If any deviation is made in contravention of the present section, the Board of Trade may, at the expense of the person constructing the work, abate and remove the work in the construction whereof the deviation is made, or any part thereof, and restore the site thereof to its former condition.

Power for abatement of works disused. 26 & 27 Vict. c. 92. s. 18.

554. If any work, which is by virtue of statutory powers for that purpose obtained after the twenty-eighth of July one thousand eight hundred and sixty-three, constructed on, in, over, through, or across tidal lands or a tidal water, or the seashore below low-water mark, is abandoned or suffered to fall into decay, the Board of Trade may, at the expense of the person liable to repair and maintain it, abate and remove it or any part of it, and restore the site thereof to its former condition.

Power for local survey. 26 & 27 Vict. c. 92. s. 19.

555. If at any time the Board of Trade deem it expedient for the purposes of any special Act or of this Act to order a survey and examination of any work which is, by virtue of statutory powers for that purpose obtained after the twenty-eighth of July one thousand eight hundred and sixty-three constructed on, in, over, through, or across tidal lands or a tidal water, or the seashore below low-water mark, or of the intended site of such work, the person constructing or proposing to construct the work, or liable to repair

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and maintain it, shall defray the expenses of such survey and examination.

Obstructions to Navigation.

Obstructions to Navigation.

Restriction on deposit of ballast or rubbish.
19 G. 2. c. 22. ss. 1, 2.
54 G. 3. c. 159. ss. 11, 12, 13, 15.
34 & 35 Hen. 8. c. 9. s. 6.

556. If any person commits any of the following offences; that is to say,—

(1.) Casts or causes to be cast, or suffers to fall, either from on board ship or from land, any ballast, rock, stone, slate, shingle, gravel, sand, earth, cinders, rubbish, or other substance or thing on tidal lands or into any harbour, or tidal water, or into the sea below low-water mark, so as to be or tend to the injury of navigation; or

(2.) Casts or causes to be cast any such substance or thing on land in a position where the same may be liable to fall or descend or to be carried or washed down by ordinary or high tides, or by any stream or flow of water, or by any storm or flood, or otherwise, into any harbour, or tidal water, or into the sea, so as to be or tend to the injury of navigation; or

(3.) Casts or places or leaves or causes to be cast, placed, or left, any ship or boat laid by or neglected as unfit for sea service, any floating or other timber, or any other thing, on any tidal lands or in any harbour or tidal water, or in the sea, so as to be or to tend to the injury of navigation;

he shall for each offence be liable to a penalty not exceeding twenty pounds, and shall also be liable to pay the expenses of the removal to a proper position of any such substance or thing.

Any such penalty may be recovered only on the prosecution of the Board of Trade, or of the harbour authority or conservancy authority having jurisdiction at the place where the offence is committed, or the injury to navigation is or would be produced, acting with the consent of the Board of Trade.

The amount of any such expenses may be summarily recovered, with costs, as a penalty.

Removal of wreck.

557. If any ship or boat is sunk, stranded, or abandoned in any harbour or tidal water, or on the sea-shore, in such a way as to tend to the injury of navigation, such ship or boat, together with the tackle thereof and the goods (if any) therein, (all of which are in this section included under the term the wreck,) may be removed in the following manner:

(1.) The harbour or conservancy authority having jurisdiction over the place where the wreck may be, or if there is no

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Obstructions to Navigation.

such authority, then the General Lighthouse Authority of the district shall give notice in writing to the owner of such ship or boat, or to an agent of such owner, that he is required within a time specified in such notice either to remove the wreck in a manner satisfactory to the authority or to undertake, under security satisfactory to the authority, to remove the wreck in a manner satisfactory to and within a time to be fixed by the authority:

(2.) In either of the following cases; (that is to say,)

a. If neither the owner nor the agent of the owner is known to or can be discovered by the authority, or

b. If neither the owner nor the agent of the owner is resident within the United Kingdom,

such authority shall send a notice in writing to the Secretary of the Committee for managing the affairs of Lloyd's in London, that the owner is required within a time specified in the notice to remove the wreck, or to undertake, under such security as aforesaid, that he will remove the same, and such notice shall be placed by the secretary in some conspicuous situation for the inspection of persons desirous to examine the same, and shall be deemed for all purposes a notice to the owner:

(3.) In case the owner fails within the time specified in the notice to remove the whole of the wreck in a way satisfactory to the proper authority, or to enter into such undertaking as aforesaid that he will remove the same, or having undertaken to remove the wreck fails to remove it in accordance with his undertaking, then the authority may remove the wreck, and may recover the expenses incurred in removing it, (in this section referred to as the expenses of removal), in the manner provided in this section:

(4.) The proper authority may, for the purposes of removal, destroy the wreck or any part of it, and may remove and take possession of the wreck or any part of it; and may sell the same, and may out of the proceeds (if any) of such sale without any reference to the part of the wreck from the sale of which such proceeds may accrue, reimburse themselves for the whole of the expenses of removal, and shall after reimbursing themselves render the surplus, if any, to the owner of the ship or boat:

(5.) If the proceeds of such sale are insufficient to pay the whole expenses of removal, the authority may recover the

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Removal of Ballast or Shingle.

balance from the owner of the ship or boat, or if they think fit, from any person by whose fault or negligence the ship or boat was stranded or sunk, and the owner may recover from such person any sum of money paid or payable under this section by the owner to such authority :

(6.) If such harbour or conservancy authority fail within fourteen days' notice in writing from the General Lighthouse Authority of the district, to remove, or to take steps to cause the owner of the ship or boat to remove the wreck, then such General Lighthouse Authority shall be deemed the proper authority to remove the same :

(7.) The expenses of removal incurred by the General Lighthouse Authorities in pursuance of this section upon any default of a harbour or conservancy authority, shall be recoverable from such harbour or conservancy authority, with costs :

(8.) Expenses recoverable under this section by any authority shall be summarily recoverable as a penalty.

Removal of Ballast or Shingle.

Power to make byelaws respecting removal of ballast, shingle, &c. from shore. 54G.3.c.159. s.14.

558. Where any person takes away at any place ballast, rock, stone, slate, shingle, gravel, sand, earth, cinders, rubbish, or other substance or thing from tidal lands, or a tidal water, or the seashore below low-water mark, and it appears to the harbour authority or conservancy authority (if any) having jurisdiction at that place, or at any place near thereto where navigation is liable to be affected by the consequences of such taking away,—or if there is no such harbour or conservancy authority, then to the Board of Trade,—that the taking away of such substance or thing at that place is or tends to the injury of navigation, or to any right belonging to or enjoyed by the public,—then, and in every such case, the following provisions shall have effect :—

(1.) The harbour or conservancy authority, with and subject to the approval of the Board of Trade, or the Board of Trade (as the case may be), may from time to time lay before Her Majesty in Council such byelaws as seem fit for regulating, restricting, or prohibiting the taking away of any such substance or thing at that place, and for altering or repealing any such byelaws :

(2.) It shall be lawful for Her Majesty by Order in Council to confirm such byelaws, with or without omission, addition, or alteration, or to disallow the same :

(3.) Such byelaws shall not be confirmed unless a copy of the proposed byelaws, with a notice of the intention to apply for confirmation thereof, has been published or made known

Removal of Ballast or Shingle.

in such manner as the Board of Trade think sufficient for giving information to all parties interested:

(4.) Any person desiring to object to the confirmation of any such byelaw may send his objections in writing to the Board of Trade, and such objections shall be submitted to Her Majesty in Council before the byelaw objected to is confirmed:

(5.) Such byelaws when confirmed shall be published or made known as last aforesaid, with a notice stating that they have been confirmed; and a printed copy of such byelaws shall be delivered, without charge, by the body by whom they are made to every person applying for the same:

(6.) All byelaws when confirmed by Order in Council shall be deemed to have been duly made and confirmed, and no objection thereto shall be taken in any proceedings, and they shall, on and after the completion of the publication thereof, be binding on all persons, and shall be sufficient to justify all persons acting thereunder, and the Order in Council confirming the same shall be evidence thereof:

Restriction on removal of ballast, shingle, &c. from shore under management of Board of Trade.

559. Where any tidal land or tidal water, or the shore below low-water mark, is under the management of the Board of Trade in pursuance of the Crown Lands Act, 1866, and any person takes away any ballast, rock, stone, slate, shingle, gravel, sand, earth, cinders, rubbish, or other substance or thing from such land, water, or shore, and the Board of Trade are of opinion that such taking away is or tends to the injury of navigation, or of any right belonging to or enjoyed by the public, the Board of Trade may serve on such person if known to them, or if he is not known to them may publish a notice forbidding the taking away of any such substance or thing from such place; and if after the service or publication of such notice, as the case may be, any person takes away any such substance or thing contrary to the notice, he shall be liable on summary conviction to a penalty not exceeding ten pounds, and such penalty shall be summarily recoverable.

Such notice shall be published or made known in like manner as byelaws relating to the removal of ballast are required by this Act to be published or made known.

Series of acts tending to injury of navigation.

560. An act shall be deemed to tend to the injury of navigation in any case where a series of like acts has produced or would produce injury to navigation.

Saving for powers independent of this Act.

561. Nothing in this Act shall be deemed—

(1.) To affect any provision of the Merchant Shipping Law, 1870, relative to wreck or shipwrecked property:

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(2.) To affect any enactment or regulation relating to Her Majesty's customs:

(3.) To affect any jurisdiction, right, power, or remedy of the Board of Trade, as having the management over any tidal water, tidal lands, or seashore under The Crown Lands Act, 1866:

Expenses incurred by Lighthouse Authorities under this Act.

29 & 30 Vict. c. 62.

(4.) To take away, supersede, or abridge any jurisdiction, right, power, or remedy existing independently of this Act, for the abatement of or the imposition of punishment for any nuisance affecting the sea or any harbour or tidal water or tidal lands, or affecting navigation, or affecting any right belonging to or enjoyed by the public over tidal water or tidal lands:

And the provisions of this Act respecting anything in the present section mentioned shall be deemed to be in addition to and not in substitution for or in restraint of any other enactment, regulation, jurisdiction, right, power, or remedy for the like object; and all enactments, regulations, jurisdictions, rights, and remedies in this section mentioned or referred to shall remain operative, and be (as far as may be) as if this Act had not been passed; but so, nevertheless, that nothing herein shall be deemed to authorize that any person be sued or prosecuted twice in respect of the same matter.

Expenses incurred by Lighthouse Authorities under this Act.

Expenses incurred by General Lighthouse Authorities payable out of Mercantile Marine Fund.

562. Any expense incurred under the provisions of this Act shall, when incurred by any General Lighthouse Authority, be payable out of and a charge upon the Mercantile Marine Fund, and when incurred by any local conservancy or harbour authority, be payable out of and a charge upon the funds of such authority.

Determination as to which of two bodies is the Conservancy Authority.

Power to determine by Order in Council.

563. If in any case a question arises as to which of two or more bodies or persons is the conservancy authority in any district, it shall be lawful for Her Majesty, by order in Council, to declare that one of such persons or bodies is the conservancy authority in such district; and the body or person so declared to be shall be the conservancy authority in such district.

Transfer to Board of Trade of Powers under existing special Acts.

Powers for protection of navigation, &c. under local acts for works on tidal lands,

564. Where any special Act coming into operation before the thirty-first of December one thousand eight hundred and sixty-two,—

(1.) Authorizing or regulating the construction of any work on, in, over, through, or across tidal lands or water, or the seashore above or below high-water mark; or,

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Transfer to Board of Trade of Powers under existing special Acts.

(2.) Authorizing or regulating the construction or improving of a harbour, dock, or pier, or works connected therewith, by any persons or person; or

(3.) Constituting or altering or regulating the constitution of any harbour or conservancy authority; or

(4.) Altering or regulating the powers or duties of any harbour or conservancy authority,—

contains, either expressly or by incorporation or reference or otherwise, any provision for any of the purposes following,—

&c. to be exercised by Board of Trade. 25 & 26 Vict. c. 69. s. 8.

(1.) For preventing the construction or execution of any work or the doing of anything without the consent or approval of the Admiralty, for requiring the deposit of plans of any works with the Admiralty, or for authorizing or requiring any work to be constructed, executed, or maintained, or any thing to be done, with the consent or on the requisition or to the satisfaction of the Admiralty;

(2.) For empowering the Admiralty to exercise any authority concerning lifeboats, mortars, rockets, tide gauges, or barometers to be provided by any undertakers;

(3.) For empowering the Admiralty to make a local survey or examination at the expense of any person;

(4.) For empowering the Admiralty, in case of any work being abandoned or suffered to fall into disuse or decay, or in any other case, to abate, remove, or alter any work or any part of it, or restore the site thereof to its former condition, at the like expense;

(5.) For empowering the Admiralty to exercise any authority concerning lights to be maintained at night during the construction or execution of any work;

(6.) For empowering the Admiralty or the First Lord of the Admiralty to nominate or appoint a member or members of any board or body of trustees, commissioners, or conservators, or of any harbour or conservancy authority;

(7.) For empowering the Admiralty to determine any dispute or difference between or among any persons;

(8.) For empowering the Admiralty or the First Lord of the Admiralty to nominate or appoint any arbitrator, referee, or umpire, or any engineer, inspector, or officer, or any person to fill any place or discharge any duty under such Act;

or any other provision for the protection, management, or regulation of harbours or navigation, or for the exercise of any control or power over or in relation to any harbour authority, or any other

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Transfer to Board of Trade of Powers under existing special Acts.

provision in anywise relating to conservancy, or authorizing or requiring any act or thing concerning harbours or navigation or conservancy to be done by or in relation to the Admiralty,—

Then as from the thirty-first day of December one thousand eight hundred and sixty-two such Acts and all enactments relative thereto shall be read and construed as if in the respective provisions aforesaid the Board of Trade were named instead of the Admiralty, and the President of the Board of Trade instead of the First Lord of the Admiralty.

Power to Admiralty to retain authority over ports, &c. where dockyards, &c. are situate. 25 & 26 Vict. c. 69. s. 9.

565. Provided always, That where it appears to the Admiralty that the interests of Her Majesty's naval service require that the whole or any part of any harbour, port, bay, estuary, or navigable river in, on, or adjoining to which there is or shall be any of Her Majesty's dockyards, victualling yards, steam factory yards, arsenals, or naval stations, should be excepted, either entirely or in some respects, out of the operation of the last foregoing section, the Admiralty may give notice in writing to the Board of Trade that any such harbour, port, bay, estuary, or navigable river as aforesaid, or such part thereof as is in the notice specified, is to be deemed so excepted, either entirely or in the respects therein mentioned; and every such notice shall be published by the Admiralty in the London, Edinburgh, or Dublin Gazette, (according as the place affected may be in England, Scotland, or Ireland,) and thereupon the harbour, port, bay, estuary, or navigable river to which such notice relates, or the part thereof therein specified, shall either entirely or in the respects therein mentioned, as the case may require, be and remain as if the last foregoing section had not been inserted in this Act, but any such notice may be from time to time varied or at any time revoked by a like notice published in like manner.

Exception as to Mersey and Thames. 25 & 26 Vict. c. 69. s. 10., 5 & 6 Vict. c. cx., 20 & 21 Vict. c. cxlvii. s. 3.

566. Provided also, that nothing in the provisions of this Act respecting transfer of power shall affect—

(1.) The Act of the session of the fifth and sixth years of Her Majesty, chapter one hundred and ten (local), "for better "preserving the navigation of the River Mersey;" or

(2.) So much of section three of the Act of the session of the twentieth and twenty-first years of Her Majesty, chapter one hundred and forty-seven (local), "to provide for the "conservation of the river Thames, and for the regulation, "management, and improvement thereof," as empowers the Admiralty to appoint two of the conservators of the river Thames.

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567. Nothing in the provisions of this Act respecting transfer of powers shall affect—

Transfer to Board of Trade of Powers under existing special Acts.

(1.) Any estate, right, title, interest, prerogative, royalty, jurisdiction, or authority of or belonging to Her Majesty the Queen, Her heirs or successors, in right of Her Crown, or of Her office of admiral, or otherwise:

Saving for prerogative of crown and general conservancy powers of Admiralty. 25 & 26 Vict. c. 69. ss. 18, 19.

(2.) Any right, duty, power jurisdiction, or authority vested in or performed or exercised by, or capable of being performed or exercised by, the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral, otherwise than under or by virtue of the several Acts and parts of Acts expressly mentioned or referred to in the provisions of this part of this Act respecting transfer of powers.

Saving for past acts, contracts, and appointments, and proceedings pending, &c. 25 & 26 Vict. c. 69. ss. 18, 19.

568. Nothing in the provisions of this Act respecting transfer of powers shall prejudicially affect—

(1.) Any nomination or appointment of any member of any board or body of trustees, commissioners, or conservators, or of any harbour or conservancy authority, or other act or thing before the thirty-first of December one thousand eight hundred and sixty-two made or done under any such Act as aforesaid:

(2.) Any action, suit, prosecution, proceeding, or thing commenced before the thirty-first of December one thousand eight hundred and sixty-two under or by virtue of any such Act; and the same shall and may be carried on and completed as if this Act had not been passed, the Board of Trade being only substituted for the Admiralty.

Saving of powers under local Acts.

569. Wherever by a local Act powers are given to any harbour or conservancy authority for the same purposes for which powers are given to such authority by this Act, it shall be lawful for such authority to exercise as well the powers given by such local Act as the powers given by this Act.

Provided always that nothing in this Act contained shall render anyone liable to be proceeded against a second time either civilly or criminally for the same act, omission, or offence.

Provision for Notices under Artillery Ranges Act, 1862, being given to Board of Trade. 25 & 26 Vict. c. 69. ss. 8, 9, 10, 18, 19., 25 & 26 Vict. c. 36. s. 2.

570. From and after the passing of this Act, section two of The Artillery Ranges Act, 1862, shall be read as if the Board of Trade were therein named instead of the Admiralty.

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PART X.

Harbours Act.

Preliminary.

Preliminary.

Short title.

571. This Act may be cited as the Merchant Shipping Code (Harbours Act), 1870.

Definitions. 10 & 11 Vict. c. 27. s. 2.

572. In this Act the term "dues" includes, in addition to the meaning given to it in the Merchant Shipping Code (General Provisions Act), 1870, any due, rate, duty, or other payment in the nature thereof, payable under a special Act.

10 & 11 Vict. c. 27. s. 2.

The term "collector of dues" means the person appointed by any harbour authority to collect the dues by the special Act authorized to be levied by them, and includes the assistants of such collector.

Incorporation of certain sections of the General Provisions Act.

573. There shall be incorporated with this Act the sections of the Merchant Shipping Code (General Provisions Act), 1870, relating to "Legal Procedure," "Provisional Orders," "Orders in Council," "Detention of Ships," "Dues," and "Construction."

Application.

574. This Act, except as expressly otherwise provided, extends to the United Kingdom only, and shall not apply to or affect any special Act passed before the commencement of this Act, or to any harbour authority constituted by or in virtue of, or to anything done or to be done under, such special Act.

The provisions of this Act may be made to apply to existing harbour authorities by Order in Council.

575. Any harbour authority to whom this Act does not apply may petition Her Majesty to make the provisions of this Act apply to such harbour authority, and it shall be lawful for Her Majesty by Order in Council to declare that the provisions of this Act apply, and they thereupon shall apply, to such harbour authority.

Harbour Dues.

Power to raise or lower dues. 10 & 11 Vict. c. 27. s. 30.

576. Subject to the operation of any Act in force at the commencement of this Act, and not repealed during the present session, and to the provisions of the Merchant Shipping Code (Shipping Dues Act), 1870, every harbour authority, whether constituted before or after the commencement of this Act, may from time to time raise or lower the dues levied by them as they think fit, so as the dues levied by them never exceed the maximum dues which they are authorized to levy.

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Harbour dues.

577. Subject to any lawful restriction existing at the commencement of this Act, and not removed by any Act of the present session, every harbour and its approaches shall on payment of dues be open to all persons for the shipping or unshipping of goods and passengers, and such persons and passengers shall have at all times unobstructed ingress, passage, and egress into, through, and out of the same.

Right of unobstructed access to harbour on payment of dues.
10 & 11 Vict. c. 27. s. 33.
25 & 26 Vict. c. 19. s. 13.

578. Every harbour authority may accept payment in advance of a yearly or other composition for the dues payable by any person or company, or in respect of passengers or their luggage carried in that person's or company's ships; but so that, in that case, every other person or company under like circumstances shall be entitled to make a like composition on the like terms.

Compositions for dues.
10 & 11 Vict. c. 27. s. 32.

579. Every harbour authority may grant to passengers, promenaders, and others pass tickets for the use of any pier or other part of the works, on such terms, and for such a period, not exceeding one year, as may be agreed upon, but so that no preference be given to any person.

Power for harbour authority to contract for use of pier or works.

Such a pass ticket shall not be transferable, and shall not be used by any person except the person for whom it is granted, or by any person after the period limited for its use.

If any person acts in any way in contravention of this provision, or uses or attempts to use any false or counterfeit pass ticket, he shall for every such offence be liable to a penalty not exceeding twenty shillings.

580. No harbour authority constituted or acting under any special Act shall take any dues until the harbour is completed to the extent specified in that behalf in such Act, or (if no such extent is therein specified) is completed entirely, and, in either case, is made fit for the reception of ships, or for whatever purpose it or any part of it is intended.

Prohibition of levying of dues before completion of harbour.
10 & 11 Vict. c. 27. ss. 25, 26.

A certificate signed in England or Ireland by the chairman of quarter sessions, and in Scotland by the sheriff, shall be conclusive evidence of such completion or fitness; and the chairman or sheriff shall sign and give such a certificate on being satisfied of such completion and fitness.

581. Every harbour authority shall before taking any dues put up, and shall at all times keep exhibited, in front of their principal office, and on some conspicuous part of the harbour, boards having painted or affixed thereon lists in large characters of the dues for the time being payable.

Lists of dues.
10 & 11 Vict. c. 27. s. 47.

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Harbour dues.

If any harbour authority fails in any respect to comply with the provisions of the present section, they shall be liable to a penalty not exceeding *five pounds* for every day during which such failure continues.

Byelaws respecting dues.
10 & 11 Vict. c. 27. ss. 34–37.

582. Every harbour authority shall have power, by byelaw made according to the provisions of this Act, from time to time to do all or any of the following things respecting dues, and the collection thereof for and within the limits of the harbour; namely,—

(1.) To empower the collector of dues, either alone or with other persons, to enter a ship in order to ascertain the dues payable in respect of the ship or of goods therein:

(2.) To require the master of every ship to report his arrival within a specified time (not being less than twenty-four hours) after his arrival:

(3.) To require the master of every British ship to produce the certificate of registry to the collector of dues on demand:

(4.) To require the master of every ship to give a copy of the bill of lading or manifest of the cargo or other proper account of goods intended to be unshipped, and the name of the consignee or other person to whom they are intended to be delivered:

(5.) To require the master of every ship to give to the collector, if required, notice of the intended time of unshipment:

(6.) To require from shippers of goods accounts of the goods intended to be shipped:

(7.) To regulate the time when dues on goods shipped or unshipped are to be payable.

Ships returning from stress of weather.
10 & 11 Vict. c. 27. s. 29.

583. If any ship for which the dues have been paid is obliged, from stress of weather or other sufficient cause, after leaving the harbour, to return with the same cargo (if any) within twenty-four hours after leaving the harbour, the dues paid in respect of such ship or of such cargo (if any) shall not again be payable.

In case of difference, power to weigh or measure goods and detain ship.
10 & 11 Vict. c. 27. ss. 40, 41.

584. Where a difference arises between the collector of dues and the master of a ship or the owner of goods respecting the weight or quantity of any goods liable to dues,—

(1.) The collector may cause the goods to be weighed or measured, and for that purpose may, if necessary, detain the ship containing the goods:

(2.) If the weight or quantity exceeds that alleged by the master or owner, the expenses of the weighing or measuring shall be paid to the harbour authority, and shall be recoverable as dues are recoverable:

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(3.) If the weight or quantity does not exceed that alleged as aforesaid, the expenses of the weighing or measuring, and of the detention of the ship, shall be paid by the harbour authority, and shall be recoverable as a penalty is recoverable from the harbour authority.

Power for collector of customs to withhold clearance until dues paid. 10 & 11 Vict. c. 27. s. 48.

585. The collector or other proper officer of Her Majesty's customs for the district within which any harbour is situate may, with the consent of the Commissioners of Her Majesty's Customs, refuse to receive any entry, or give any cocquet, discharge, or clearance, or to take any report inwards or outwards of any ship liable to dues, until the master of the ship produces to him a certificate, under the hand of the collector of dues, that the dues payable in respect of the ship, and any goods imported or exported in it, have been paid; or if there is any difference as to the dues payable, until such collector or officer of customs is satisfied that sufficient security has been given for the payment of the dues when ascertained, and of the expenses arising from nonpayment thereof.

Power for Board of Trade to revise dues in certain cases. 25 & 26 Vict. c. 19. s. 14.

586. Where any harbour authority manages the harbour for the purpose of profit, then if at any time it appears to the Board of Trade that the clear annual profits divisible on the paid up capital of such authority, on the average of the then three last preceding years, amount to or exceed the rate of ten per centum per annum on the nominal value of such capital, the Board of Trade may, if they think fit, require the authority to reduce the dues levied by them to such extent as the Board of Trade think fit. If the authority refuse or neglect to comply with any such requirement, they shall be liable to a penalty not exceeding *fifty pounds* for every day during which such refusal or neglect continues. But if afterwards the profits fall below the rate of ten per centum per annum, the authority may, with the consent of the Board of Trade, again raise the dues, but not so as to exceed the maximum rates which they are authorized to levy; and so toties quoties.

Accounts.

Contents of accounts. 10 & 11 Vict. c. 27. s. 49.

587. Every harbour authority shall keep accounts showing—

(1.) The dues on ships received by or payable to them:

(2.) The tonnage of every such ship:

(3.) The name of the master thereof:

(4.) The port to which the ship belongs:

(5.) The place from which on each occasion the ship arrives:

(6.) The place to which on each occasion the ship is bound:

(7.) The dues on goods shipped or unshipped received by or payable to them.

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Accounts.

Annual account. 10 & 11 Vict. c. 27. s. 50.

588. Every harbour authority shall in and for every year ending the thirty-first day of December, or some other convenient day, prepare an account in abstract showing the total receipt and expenditure of all money levied by them, under the several distinct heads of receipt and expenditure, with a statement of the balance of the account duly audited and certified by their clerk or secretary, and shall, within one month after the day up to which the account is made up, send a copy thereof, in England or Ireland, to the clerk of the peace, and, in Scotland, to the sheriff clerk, of the county or each of the counties in which the harbour or any part thereof is situate. Every such account shall be open for public inspection at all reasonable times on payment of one shilling. If any harbour authority refuse or neglect to comply in any respect with the provisions of the present section, they shall for each offence be liable to a penalty not exceeding *twenty pounds*.

Audit of accounts on complaint to Board of Trade in certain cases. 25 & 26 Vict. c. 19. ss. 15, 16.

589. Where any harbour authority manages the harbour for the purpose of profit such authority shall, within one month after sending such account as aforesaid, also send a copy thereof to the Board of Trade, who shall forward a copy to any person who may require it. If the harbour authority refuse or neglect to send such account such authority shall for each offence be liable to a penalty not exceding twenty pounds. If, on complaint in writing by any person interested, there appears to the Board of Trade reasonable ground for believing that such account has not been duly kept, or that any dues have been improperly or unfairly levied by such authority, or have not been duly applied, the following provisions shall have effect:

(1.) The Board of Trade may appoint an auditor to audit and examine such account, and inquire into the matters complained of, and report to the Board of Trade on such account and matters:

(2.) The harbour authority shall, on demand, produce to the auditor all or any of their accounts, books, deeds, papers, writings, and documents, and afford to him all reasonable facilities for examining and comparing the same:

(3.) In case the complaint is in the judgment of the Board of Trade found to be true, the reasonable expenses of the auditor, fixed by the Board of Trade, shall be paid to the Board of Trade by the harbour authority:

(4.) In case the complaint is not in the judgment of the Board of Trade found to be true, the reasonable expenses of the auditor, fixed by the Board of Trade, shall be paid to the Board of Trade by the complainant:

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Officers and servants.

Officers and servants.

590. Every harbour authority

May appoint and remove harbour masters (under which term is in this Act included dock masters and pier masters) and collectors of dues, weighers and meters, wharfingers, and other necessary or proper officers and servants, and fix their remuneration, and may license porters and carriers employed within the limits of the harbour, and may assign to such masters, collectors, and other officers, servants, porters, and carriers, such powers and duties as seem proper:

Appointments and duties of harbour masters and other officers. 10 & 11 Vict. c. 27. ss. 51, 81.

591. The harbour master may give directions for all or any of following purposes; (that is to say,)

Power of harbour master. 10 & 11 Vict. c. 27. s. 52.

(1.) For regulating the time at which and the manner in which any ship shall enter into, or go out of, or lie in any harbour and within the prescribed limits, if any, and the position of such ship mooring or unmooring, placing or removing whilst therein:

(2.) For regulating the position in which any ship shall take in or discharge her cargo, or any part thereof, or to take in or land passengers, or shall take in or deliver ballast within the harbour:

(3.) For regulating the manner in which any ship entering the harbour shall be dismantled, as well as for the safety of such ship as for preventing injury to other ships and to the harbour:

(4.) For regulating the quantity of ballast in the hold which each ship in the harbour shall have during the delivery of her cargo, or after having discharged the same.

592. When a sufficient number of weighers and meters is appointed under this Act, the master of any ship, or the owner of any goods shipped, unshipped, or delivered within the limits of the harbour, shall not employ any person other than a weigher or meter appointed under this Act (except a weigher or meter appointed by the Commissioners of Her Majesty's Customs) to weigh or measure the same. If any person other than a weigher or meter so appointed weighs or measures any such goods, he, and also any person knowingly employing him, shall for every such offence be each liable to a penalty not exceeding *five pounds;* and the weighing or measurement of any such goods by him shall be deemed illegal.

Employment of weighers and meters. 10 & 11 Vict. c. 27. s. 82.

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Harbour regulations.

Penalty on offering bribes to officers. 10 & 11 Vict. c. 27. s. 55.

593. If any person gives or offers any money or thing by way of reward or bribe to any harbour master, collector of dues, or other officer employed about a harbour, for the purpose of gaining an undue preference in the execution of his office, or for the purpose of inducing him to do or omit anything relating to his office, he shall be liable for every such offence to a penalty not exceeding *twenty pounds*.

Special constables. 10 & 11 Vict. c. 27. s. 79.

594. Two justices may appoint persons nominated by the harbour authority to be special constables within the limits of the harbour, and within one mile of the same. Every person so appointed shall be sworn in by a justice duly to execute the office of a constable within those limits, and when so sworn in shall have the same powers, protections, and privileges within those limits, and shall be subject to the same liabilities, as constables have or are subject to by law. Two justices may dismiss any such constable from his office.

Harbour regulations.

Power by byelaws to regulate use of harbour, entrance of ships, anchoring, &c. 10 & 11 Vict. c. 27. s. 83, cl. 3.

595. Every harbour authority shall have power, by byelaws made according to the provisions of this Act, from time to time to do all or any of the following things for and within the limits of the harbour; namely,—

10 & 11 Vict. c. 27. s. 83, cl. 1.

(1.) To regulate the use of the harbour:

(2.) To regulate the time and mode of admission of ships within the limits of the harbour, and the dismantling or the lowering or furling of sails of ships coming in, and their mode and place of mooring and anchoring, and their position and government in the harbour, and their unmooring and removal out of the harbour:

(3.) To provide for the harbour master ensuring the observance of such regulations (in case of non-compliance therewith) by mooring, unmooring, placing, or removing a ship, and for that purpose casting off, loosing, or unshackling any rope or chain by which the ship is moored or fastened (first putting on board a sufficient number of persons for the protection of the ship in case there is no person on board to protect it):

(4.) To regulate the removal of ships when necessary, for the repairing, scouring, or cleansing of the harbour:

10 & 11 Vict. c. 27. s. 83, cl. 4.

(5.) To regulate the times, places, order, and mode of the shipping, unshipping, landing, warehousing, stowing, and depositing of goods (and in the case of dangerous goods to add special regulations and restrictions), and of the

Byelaws.

landing and embarking of passengers, and of the taking in and delivery of ballast:

(6.) To regulate the use of fires and lights, and the keeping or using of gunpowder, combustibles, explosive substances, and other dangerous goods, and loaded guns, on board ship or elsewhere, and to provide for the harbour master entering a ship or place to search for fire or light suspected to be therein contrary to any byelaw, and extinguishing it if found: 10 & 11 Vict. c. 27. s. 83, cl. 7.

(7.) To regulate the several powers vested in the harbour master: 10 & 11 Vict. c. 27. s. 83, cl. 2.

(8.) To prevent the obstruction of the harbour master in the exercise or discharge of any of his powers or duties:

(9.) To regulate the duties and conduct of all persons, as well the servants of the harbour authority as others, not being officers of customs or excise, who are employed in the harbour: 10 & 11 Vict. c. 27. s. 83, cl. 6.

(10.) To regulate the duties and conduct of porters and carriers employed within the limits of the harbour, and to fix the dues to be paid to them for carrying anything to or from the same: 10 & 11 Vict. c. 27. s. 83, cl. 8.

(11.) To regulate the use of cranes, weighing and other machines, conveniences, weights and measures belonging to the harbour authority. 10 & 11 Vict. c. 27. s. 83, cl. 9.

Byelaws.

596. Every harbour authority may frame such byelaws as they think expedient to propose to the Board of Trade for allowance, and with regard to such byelaws the following provisions shall take effect: Power for harbour authority to make byelaws, subject to allowance by Board of Trade. 10 & 11 Vict. c. 27. ss. 83 to 90.

(1.) The harbour authority shall deposit a copy of such byelaws with the Board of Trade, and shall publish the same as follows:

By inserting the same as an advertisement once at least in each of two successive weeks in some one and the same local newspaper circulating in the neighbourhood of the harbour:

By depositing a copy thereof within the same two weeks for public inspection at the custom house of the port, sub-port, or creek, within the limits whereof the harbour is situate:

Every such advertisement and deposit being accompanied with a notice of the intention of the harbour authority to apply to the Board of Trade for the allowance of such byelaws under the present section:

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(2.) The Board of Trade shall on the application of the harbour authority take such proposed byelaws into consideration, and also any objection thereto that may be lodged at the office of the Board of Trade, and shall either allow the same with or without omission, addition, or alteration, or disallow the same:

(3.) The harbour authority shall publish such byelaws as are allowed by the Board of Trade, as follows:

By inserting the same as an advertisement once at least in each of two successive weeks in the local newspaper in which the proposed byelaws were inserted:

By depositing a copy thereof within the same two weeks for public inspection at the custom house in which the proposed byelaws were deposited:

On the completion of which publication the byelaws shall come into operation, unless a later time in that behalf is therein appointed:

(4.) Any byelaw so made may be from time to time altered or at any time repealed by other byelaws made according to the provisions of the present section:

(5.) Every byelaw made according to the provisions of the present section shall be binding on all persons, and shall be sufficient to justify all persons acting thereunder:

(6.) Any byelaw made according to the provisions of this section may impose a reasonable penalty not exceeding in any case ten pounds for the breach of such byelaw, with, in case of a continuing breach, a further penalty not exceeding in any case one pound for every twelve hours during which such breach continues, but so that every byelaw be so framed as to allow the court before whom a penalty is sought to be recovered to order part only of the maximum penalty to be paid, and every such penalty shall be recoverable summarily:

(7.) Where the public interest appears so to require, the Board of Trade may, at any time after any byelaw so made has come into operation, notify to the harbour authority their disallowance thereof and the time at which the same shall cease to be in force; and such byelaw shall cease to be in force at that time, except with respect to any right, title, obligation, or liability then already acquired or accrued, or any remedy or proceeding for the enforcement thereof:

(8.) Printed copies of the byelaws of the harbour authority for the time being in force shall be kept for inspection and

sold by the harbour authority to all persons at such price as may be therein prescribed, and if none is therein prescribed, then at a price not exceeding sixpence for each copy.

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Warehouses, cranes, and other conveniences.

Warehouses, cranes, and other conveniences.

597. Every harbour authority may do the following things:

Power of harbour authority to purchase additional land required for extraordinary purposes, and to do certain other things. 10 & 11 Vict. c. 27. ss. 20, 21, 22, 23, and 25 & 26 Vict. c. 19. s. 20.

(1.) In addition to any lands authorized to be taken under their special Act, purchase (subject to any limitation therein contained) lands near the harbour for extraordinary purposes; namely,

For making and providing additional yards, wharfs, and places for receiving, depositing, and loading or unloading goods, and for the erection of weighing machines, toll houses, offices, warehouses, sheds, and other buildings and conveniences:

For making convenient roads to the harbour, or any other purpose requisite or convenient for the formation or use thereof:

(2.) On any lands acquired by them under their special Act and this Act, construct such warehouses, storehouses, sheds, and other buildings and works as may be necessary for the accommodation of goods shipped or unshipped:

(3.) Erect or provide such cranes, weighing and other machines, conveniences, weights, and measures as may be necessary for the loading, unloading, measuring, and weighing of such goods, and proper servants and labourers shall be provided by the harbour authority for working such cranes at all reasonable times for the use of the public:

(4.) Lease or grant the use or occupation of any warehouses, buildings, wharfs, yards, cranes, machines, or other conveniences provided by them, at such rents and on such terms as may be agreed upon, so, however, that no such lease be granted for a longer term than three years, except with the previous sanction of the Board of Trade:

(5.) Lay down or construct and maintain, or grant or allow to any persons the right of laying down or constructing and maintaining, pipes or channels for the conveyance of water to and within the harbour, and demand and receive such sums in consideration of such grant or allowance as seem reasonable.

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Damage in harbour.

Lifeboats.

Harbour authority to provide lifeboats and other apparatus on requisition of Board of Trade. 10 & 11 Vict. c. 27. ss. 16, 17.

598. Every harbour authority shall, on being required to do so by the Board of Trade, provide, and until relieved from this duty by the Board of Trade shall always thereafter maintain in good order, an efficient and well-appointed lifeboat, and such mortar, rockets, and other apparatus as the Board of Trade direct or approve, with all necessary tackle, and a competent crew and proper persons for the effectual working thereof, for the succour of vessels in distress; and shall cause such lifeboat, mortar, rockets, and other apparatus to be stationed at such place as the Board of Trade direct or approve, and to be used on all necessary occasions. If any harbour authority fail to comply in any respect with the provisions of this section, they shall be liable to a penalty not exceeding *two pounds* for every twenty-four hours during which such failure continues.

Tide gauges and barometers.

Provision by harbour authority of tide gauge and barometer, and accounts of workings. 10 & 11 Vict. c. 27. ss. 18, 19.

599. Every harbour authority shall, on being required to do so by the Board of Trade, provide, and until relieved from this duty by the Board of Trade shall always thereafter maintain in good order, at such place and in such manner as the Board of Trade direct or approve, an efficient self-registering tide gauge, with a barometer; and shall cause accounts of the workings thereof to be kept, and to be sent to the Board of Trade, in such manner and at such time as the Board of Trade direct or approve. The harbour authority shall be liable to a penalty not exceeding *two pounds* for every twenty-four hours during which such tide gauge and barometer are not provided or maintained, or such accounts kept, and to a penalty not exceeding *ten pounds* for each month during which such accounts are not sent to the Board of Trade.

Damage in harbour.

Responsibility for injury to works of harbour. 10 & 11 Vict. c. 27. s. 74, 75.

600. Where any injury is done by a ship or boat or floating timber, or by any person employed about the same, to any part of the works or property of any harbour, the following persons, namely,

1. The owner of such ship, boat, or floating timber; and
2. In case the injury is caused through the wilful act or negligence of the master of such ship or boat, or of the person having charge of such timber, such master or such person;

shall each be answerable in damages to the harbour authority for the whole injury; which damages, if not exceeding *fifty pounds*, may be recovered summarily as a penalty.

The harbour authority may detain the ship, boat, or timber until sufficient security is given for the amount of damages to be recovered.

And the collector of dues, or any person authorized by the court awarding such damages, may enforce the payment thereof by the distress and sale of such ship, boat, or timber, in the same manner and subject to the same conditions in and subject to which the collector of dues may, under the Merchant Shipping Code (Shipping Dues Act), 1870, enforce the payment of dues.

Recovery over by owner from master of ship, &c. 10 & 11 Vict. c. 27. s. 76.

601. Where the owner of any ship or boat, or of timber or goods, is bound to make and makes pecuniary satisfaction for any injury wilfully or negligently done to any part of the works or property of any harbour authority by any master or other person, or is compelled to pay any pecuniary penalty by reason of any act or omission of any master or other person, he shall be entitled to recover the money so paid, with costs, from such master or other person; and if it does not exceed *fifty pounds*, may recover the same, with costs, as a penalty.

Penalty for wilfully cutting moorings. 10 & 11 Vict. c. 27. s. 62.

602. Any person, except the harbour master acting according to his authority, who wilfully cuts, breaks, or destroys the mooring or fastening of any ship in any harbour, shall for every such offence be liable to a penalty not exceeding *five pounds*.

Her Majesty's Customs.

Approval of legal quays by Treasury, &c. 10 & 11 Vict. c. 27. s. 24.

603. The quays of a harbour shall not be deemed to be legal quays for the shipping and unshipping of goods until approved of for that purpose by the Treasury and the Commissioners of Her Majesty's Customs; and such quays, and the use thereof, shall be subject to the regulations to which legal quays are or may be by law subject.

Provision by harbour authority of watch-houses, huts, &c. for customs officers. 10 & 11 Vict. c. 27. s. 14.

604. Every harbour authority shall, on being required to do so by the Commissioners of Her Majesty's Customs, provide, and until relieved from this duty by those Commissioners shall always thereafter maintain in good order, at such place and in such manner as those Commissioners direct or approve, a watchhouse and a boat-house, and huts with weighing materials, for the use of the officers and others acting under those commissioners. If any harbour authority fail to comply in any respect with the provisions of the present section, they shall be liable to a penalty not exceeding *fifty pounds* for every month during which such failure continues.

Freedom of passage for customs officers.

605. Officers of customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress into, through, and out of any harbour by land, and with their vessels and otherwise, without payment.

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Special Acts for harbours.

Harbour authority to have no power to do anything inconsistent with the law relating to customs. 10 & 11 Vict. c. 27. s. 52.

606. Nothing in this or in the special Act contained shall authorize any harbour authority to do or cause to be done anything repugnant to or inconsistent with any law relating to the customs or any regulation of the Commissioners of Her Majesty's Customs.

Sites for protecting batteries.

Power to Secretary of State for War to take and hold lands, &c. for batteries, &c. 24 & 25 Vict. c. 45. s. 20.

607. Every harbour authority may make, and one of Her Majesty's Principal Secretaries of State may accept, a grant, either in fee or for a term of not less than nine hundred and ninety-nine years, of any suitable land, not exceeding in quantity in any one place what may be sufficient for the construction of a battery or fortification for the protection of the harbour, with proper access thereto, and may enter into any covenant or stipulation with the Secretary of State and his successors in office, not to build or do any act prejudicial to any such battery or fortification, on the land adjacent to and within the line of fire from any such battery or fortification. Every such site, when conveyed as aforesaid, shall be held by the Secretary of State and his successors in office, on behalf of Her Majesty, in trust for the public service.

Determination as to which of two bodies is the Harbour Authority.

Power to determine by Order in Council.

608. If in any case a question arises as to which of two or more bodies or persons is the harbour authority in any district, it shall be lawful for Her Majesty, by Order in Council, to declare that one of such persons or bodies is the harbour authority in such district, and the body or person so declared to be shall be the harbour authority in such district.

Special Acts for harbours.

Correction of errors and omissions in plans and books of reference. 10 & 11 Vict. c. 27. s. 7.

609. Where in any plan or book of reference deposited for the purposes of any special Act relating to a harbour any error or omission respecting any land or the interest of any person in land is found, the following provisions shall take effect:

(1.) The person concerned may apply in England or Ireland to two justices, and in Scotland to the sheriff, for the correction of the error or omission, after giving not less than ten days notice to the owner or reputed owner, lessee or reputed lessee, and occupier of the land:

(2.) If it appears to the justices or to the sheriff that the error or omission arose from mistake, the justices or the sheriff shall so certify, stating the particulars of the error or omission:

(3.) An examined copy of the certificate shall be deposited with every clerk of the peace, sheriff clerk, town clerk, clerk

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Subjection of harbour to general Acts.

of a poor law union, parish clerk, and schoolmaster (as the case may be), with whom that part of the original plan or book in which the error or omission is found was required to be deposited, and also with the Board of Trade:

(4.) Thereupon that part of the plan or book shall be deemed corrected according to the certificate.

Access to special Act. 10 & 11 Vict. c. 27. ss. 97, 98.

610. Every harbour authority hereafter constituted or authorized by any special Act shall be subject to the following provisions:

(1.) They shall within one month after their special Act comes into operation deposit a copy thereof, printed by one of Her Majesty's printers, in England or Ireland with the clerk of the peace, and in Scotland with the sheriff clerk, of the county in which the harbour or any part thereof is situate:

(2.) They shall always after their special Act comes into operation keep a copy thereof printed as aforesaid in their principal office of business, and shall allow any person at any reasonable time, on payment of *one shilling*, to inspect and make extracts from it:

(3.) If any harbour authority fails to comply in any respect with the provisions of the present section, they shall be liable to a penalty not exceeding *twenty pounds* for each instance of such failure, and to a further penalty of *five pounds* for every day during which such failure continues.

Lands Clauses Act to be incorporated in the special Act of every harbour.

611. The Lands Clauses Acts shall be incorporated in the special Act by which any harbour authority is constituted after the commencement of this Act, and shall apply to all works to be constructed or lands to be purchased by such harbour authority, and for the purposes of this Act the expression "the promoters of the undertaking" and "the special Act" shall, whenever used in the Lands Clauses Acts, mean respectively "the harbour authority" and "the special Act by which such authority is constituted," but the provisions of the Lands Clauses Acts with reference to the purchase or taking of land otherwise than by agreement shall not apply to any lands which the harbour authority are not authorized by their special Act to purchase or take otherwise than by agreement, and shall not authorize them to take or purchase otherwise than by agreement any lands which they are not authorized so to take or purchase by their special Act.

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Loans to harbour authorities.

Application of Merchant Shipping Acts and other Acts.
25 & 26 Vict. c. 19. s. 21.

Subjection of harbour to general Acts.

612. Every harbour authority and their harbour shall be subject to the provisions of this Act and of every general Act relating to merchant shipping, harbours, navigation, or dues in force at the time that their special Act comes into operation, or to be afterwards passed, and to any revision or alteration, under the authority of Parliament, of the dues authorized by their special Act.

Loans to harbour authorities.

Power for Public Works Loan Commissioners to lend to harbour authorities, and for harbour authorities to borrow from them.
24 & 25 Vict. c. 47. s. 3.,
25 & 26 Vict. c. 69. ss. 20, 22.

Provisions as to loans to harbour authorities by Public Works Loan Commissioners.

613. Loans may be made to any harbour or conservancy authority, constituted either before or after the commencement of this Act, by the Public Works Loan Commissioners (constituted by the Act of the session of the nineteenth and twentieth years of Her Majesty, chapter seventeen, and the Acts amending the same, and referred to in this section as the commissioners,) for all or any of the following purposes; namely,

1. The construction, improvement, maintenance, or lighting of any public harbour:

2. The carrying into effect of any other shipping purpose:

in accordance with the following provisions (that is to say,)

(1.) The commissioners may, out of funds for the time being at their disposal or provided by Parliament for the purpose, lend to any harbour or conservancy authority, and such harbour or conservancy authority may, with the approval of the Board of Trade, but not otherwise, borrow from the said commissioners, such money as may be required, whether such harbour or conservancy authority are or are not empowered to borrow money under a special Act, or otherwise, and notwithstanding any limitation in any special Act of the amount to be borrowed by such harbour or conservancy authority:

(2.) The period for repayment of the principal of any money borrowed shall not exceed fifty years:

Rate of interest.
24 & 25 Vict. c. 47. s. 3.,
25 & 26 Vict. c. 69. ss. 20, 22.

(3.) When the aggregate amount of principal money due under this section to the said commissioners from any harbour authority does not exceed one hundred thousand pounds, the interest payable in respect thereof shall be at the rate of *three and a quarter* per centum per annum; but when it exceeds one hundred thousand pounds the interest payable in respect of one hundred thousand pounds shall be at that rate, and the interest payable in respect of the excess shall be at such higher rate as the said commissioners determine, not exceeding *five per centum* per annum:

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Loans to harbour authorities.

(4.) The repayment of principal and the payment of interest in respect of any loan under this section shall be secured upon all or any of the property belonging to the harbour or conservancy authority to whom the loan is made, or upon all or any of the dues leviable by and due to such authority, or upon all or any such property, together with all or any of such dues, according to the agreement between the commissioners and such authority, and it shall not be incumbent on the commissioners to require any other security:

Loan to be secured on rates or property. 24 & 25 Vict. c. 47. s. 3., 25 & 26 Vict. c. 69, ss. 20, 22.

(5.) Any harbour or conservancy authority empowered to levy dues immediately or prospectively, or entitled to any other property applicable to shipping purposes, may make such dues or property or any part thereof respectively a security for any money borrowed from the commissioners under this section, and may charge the same accordingly:

Power to harbour authority to give such security. 24 & 25 Vict. c. 47. s. 3., 25 & 26 Vict. c. 69. ss. 20, 22.

(6.) For the purposes of any such loan the clauses of the Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the commissioners, except so far as the same may be inconsistent with the provisions of the Acts constituting or regulating the Public Works Loan Commissioners, shall be incorporated with this Act; and for this purpose this Act shall be deemed to be "the special Act," and the harbour or conservancy authority borrowing shall be deemed to be "the commissioners," within the meaning of the said incorporated clauses:

Incorporation of 10 & 11 Vict. c. 16. ss. 75–88. 24 & 25 Vict. c. 47. s. 3., 25 & 26 Vict. c. 69. ss,20,22.

(7.) Provided that a harbour authority, being the proprietor of a private harbour, shall not be empowered by this section to borrow any money from the commissioners, unless such regulations are made in respect of the dues to be taken in the harbour, and the use thereof by the public, as the Board of Trade approve; and for the purpose of making and enforcing such regulations Her Majesty may by Order in Council declare that such of the provisions of this Act (relating to the government of harbours) as seem fit, and as the Order specifies, shall apply to the harbour to which the Order refers, and fix a schedule of dues to be taken therein; and thereupon the provisions in the Order specified shall apply to that harbour as if it were constructed under a special Act, passed after the commencement of this Act:

Private harbour to be regulated by Order in Council before loan made under these provisions. 24 & 25 Vict. c. 47. s. 3., 25 & 26 Vict. c. 69. ss. 20, 22.

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Loans to harbour authorities.

Additional money borrowed under this Act not to rank with money borrowed under other powers.
24 & 25 Vict. c. 47. s. 3.,
25 & 26 Vict. c. 69. ss. 20, 22.

(8.) Nothing in this Act shall give to any loan under this section equality as to order of charge or of payment of principal or interest, with any loan made or to be made under any special Act, except only as to such portion (if any) of the loan under this Act as might have been raised under the special Act solely, or shall repeal or alter any provision restricting any harbour or conservancy authority, being a company, from borrowing until a definite portion of capital is subscribed for or taken or paid up.

Power to proprietor of harbour for limited estate to charge estate of subsequent takers under same settlement.
24 & 25 Vict. c. 47. ss. 2 and 3.,
25 & 26 Vict. c. 69. ss. 20, 22.

614. Where a harbour authority desiring to obtain loans under this Act, and constituted either before or after the commencement of this Act, is the proprietor of a harbour for a limited estate, the following provisions shall take effect and apply:

(1.) The term "limited estate" means the estate of any person entitled under any settlement at law or in equity for his own benefit to the possession or receipt of the rents and profits of a harbour or of the site of a harbour, for the term of his own life or of the life of any other person, whether such harbour or site is or is not subject to incumbrances:

(2.) The term "settlement" includes any Act of Parliament, will, deed, or other assurance whereby particular estates or particular interests in a harbour or the site of a harbour are created with remainders or interests expectant thereon, and any deed of entail; and every estate and interest created by appointment made in the exercise of any power contained in any settlement or derived from any settlement shall be considered as having been created by the same settlement; and an estate or interest, by way of resulting use or trust to or for the settlor, or his heirs, executors, or administrators, shall be deemed to be an estate or interest under the same settlement:

(3.) Any such harbour authority shall have power to make the repayment of any money borrowed by him from the said commissioners under this Act, with the interest, a charge on his limited estate in the harbour or the site thereof, and on the estate and interest therein of every person taking under the same settlement any estate or interest therein in defeasance or expectancy or by destination on the determination of the said limited estate, but it shall be subject to all incumbrances on the harbour or site thereof subsisting at the time of the charge:

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Provisional orders for harbours.

(4.) No loan or part of any loan shall be made under this Act to any person entitled to a limited estate so as to charge the estate or interest of any person taking in defeasance or expectancy or by destination, except to an amount to be specified in certificates to be from time to time issued by the Board of Trade; and no such certificate shall be issued until it is proved to the satisfaction of the Board of Trade that the amount specified in the certificate has been properly expended on the harbour:

Power of Board of Trade to authorize suspension of sinking fund, &c. 29 & 30 Vict. c. 30. ss. 1 and 2.

615. When under this Act any loan has been or is about to be made by the Public Works Loan Commissioners to any harbour or conservancy authority constituted either before or after the commencement of this Act, and having borrowing powers under provisions of a special Act which require the extinguishment of any debt due from such authority by means of annual payments of a prescribed amount or within a prescribed time, the following rules as to the suspension of such provisions shall have effect; (that is to say,)

(1.) Such harbour or conservancy authority may apply to the Board of Trade to exercise the powers given to the Board under this section:

(2.) The Board of Trade may in their discretion, if satisfied that by virtue of the provision made or about to be made for the repayment within a certain time of any loan or loans from the commissioners there will be extinguished an amount of debt not less than that which would in the same time be extinguished under the provisions of the special Act, give a certificate in writing that it is expedient that the operation of the provisions of the special Act (or such of them as are referred to in the certificate) should from a time specified, and subject to any conditions expressed in the certificate, be suspended during the period or periods for repayment to the commissioners of such loan or loans:

(3.) Upon such certificate being given, such provisions shall be suspended accordingly:

(4.) No money borrowed from the commissioners to which such certificate relates shall when paid off, be reborrowed.

Provisional Orders for harbours.

Power to apply to Board of Trade for Provisional Order. 24 & 25 Vict. c. 45., 25 & 26 Vict. c. 19.

616. When any person desires to obtain statutory power for or conducive to or consequent on the accomplishment of all or any of the following purposes; (that is to say,)

(1.) For constructing, selling, purchasing, leasing, taking on lease, maintaining, or regulating or improving a harbour or navigable river;

(2.) For executing or abandoning or extending the time for executing any work connected with a harbour or with navigation;

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Provisional orders for harbours.

(3.) For levying or altering dues;

(4.) For constituting or altering the constitution of a harbour authority;

(5.) For executing any shipping purpose;

the following provisions shall have effect:

1. Such person may apply to the Board of Trade to make, and the Board of Trade may make, a Provisional Order conferring on them such powers.

Limitation of time for completion of works. 25 & 26 Vict. c. 19 s. 12.

2. The works authorized by any Provisional Order shall be completed within five years after the passing of an Act confirming the Order, or within such other time as the order directs; and on the expiration of such five years or other time, as the case may be, the powers by the order given to the persons applying for such order for executing such work, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed, without prejudice to an extension of time by a Provisional Order confirmed by an Act of Parliament.

Termination of Provisional Order.

3. In the following cases; (that is to say,)

(1.) If within two years of the time of the passing of an Act confirming a Provisional Order, or such other time as the Order directs, the works are not substantially commenced; or,

(2.) If the works are commenced, but whilst the powers to carry them on exist are virtually suspended for twelve consecutive months;

the powers by the Order given to the person applying for such Order for executing such works or otherwise in relation thereto shall cease to be exercised, except as to so much of such works as is then completed, unless the time be prolonged by the special direction of the Board of Trade.

A certificate from the Board of Trade to the effect that the works have not been substantially commenced, or that they have been virtually suspended for twelve consecutive months, shall be conclusive evidence for the purposes of this section of such non-commencement or suspension.

Information to Admiralty of applications. 25 & 26 Vict. c. 69. s. 13.

4. In each year, in the month of February, the Board of Trade shall furnish to the Admiralty a list of all applications for Provisional Orders then pending under this section, with a short statement of the nature of any work proposed to be thereby authorized.

Report by Board of Trade to Parliament. 24 & 25 Vict. c 45. s. 19.

5. The Board of Trade shall annually make and lay before both Houses of Parliament a general report of their proceedings under this section, stating the several cases in which applications have been made to them under the provisions of this section since their last annual report; and the Board of Trade may from time to time make and lay before both Houses of Parliament such special report respecting any matter arising under this section as they think fit.

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Dues.–General.

PART XI.

Shipping Dues Act.

Preliminary.

Short title.

617. This Act may be cited as the Merchant Shipping Code (Shipping Dues Act), 1870.

Incorporation of certain sections of General Provisions Act.

618. There shall be incorporated with this Act the sections of the Merchant Shipping Code (General Provisions Act), 1870, relating to "Legal Procedure," "Provisional Orders," "Orders in Council," and "Construction."

Application.

619. This Act applies to authorities whenever constituted, and to dues whenever created or authorized.

Extent of Act.

620. This Act extends to the United Kingdom only.

Payment and Recovery of Dues.

Liability for dues payable by ship. 17 & 18 Vict. c. 104. ss. 363, 381. 25 & 26 Vict. c. 63. ss. 44. 66.

621. The following persons shall be liable to pay the dues payable by or in respect of any ship; (that is to say,) the owner and master and such consignee or agent thereof as may have paid or made himself liable to pay any other charge on account of such ship in the port of her arrival or discharge or in the port from which she clears out.

The following persons shall be liable to pay the dues payable in respect of any goods carried in any ship; (that is to say,) the owner of such goods, and also any consignor, consignee, shipper, or agent for the sale or custody of such goods, and also any person entitled either as owner or agent for the owner to the possession of such goods.

Power for consignees, &c. to retain dues paid by them. 17 & 18 Vict. c. 104. ss. 363, 381. 25 & 26 Vict. c. 63. s. 45.

622. Every consignor, consignee, shipper, or agent, not being the owner or master of any ship or goods, by this Act made liable for the payment of any dues in respect of any ship or goods (as the case may be), may, out of any moneys in his hands received on account of such ship or goods, or belonging to the owner thereof, retain the amount of dues so paid by him, together with any reasonable expenses he may have incurred by reason of such payment and liability.

Recovery of dues. 17 & 18 Vict. c. 104. s. 401.

623. Any dues may be recovered in any court of competent jurisdiction, by the person to whom the same are payable as a debt due to him.

Prohibition of certain Classes of Dues.

The collector of dues may distrain any ship and the tackle thereof, or any goods in respect of which dues are payable, and may keep such ship or goods until the dues payable in respect of such ships or goods respectively are paid, and, if the same are not paid within seven days after distress, may cause the property distrained, or any part thereof, to be sold, and out of the proceeds of the sale may pay the amount of such dues, and the expenses of the distress, keeping, and sale.

The power given to the collector under this section shall be given in addition to the remedies hereby provided for the recovery of dues.

Settlement of disputes concerning dues or charges occasioned by distress. 10 & 11 Vict. c. 27. s. 46.

624. Where a difference arises concerning the amount of any dues payable, or of the charges occasioned by any distress or arrestment, the person distraining or arresting may detain the goods distrained or arrested until such amount is ascertained, by a justice if in England and Ireland, and by the sheriff if in Scotland, who, upon application made to him for that purpose, shall determine the same, and award such costs to be paid by either party to the other as he thinks reasonable; and such costs, if not paid on demand, shall be levied by distress or poinding and sale, and such justice or sheriff shall issue his warrant accordingly.

Penalty on evasion. 10 & 11 Vict. c. 27. s. 43.

625. If the master or owner of any ship or the owner of goods evades the payment of any due he shall be liable to a penalty either of any sum not exceeding *ten pounds*, or in case the amount of the dues which he has evaded exceeds ten pounds then of any sum not exceeding such amount, and such penalty shall be summarily recoverable.

Prohibition of certain Classes of Dues.

Prohibition of partiality as to dues. 10 & 11 Vict. c. 21. s. 30. 25 & 26 Vict. c. 19. s. 17.

626. Subject and without prejudice to any lawful exemption or privilege existing at the commencement of this Act, all dues shall be chargeable equally to all persons in respect of the same description of ships and the same description of goods.

Prohibition of passing tolls. 24 & 25 Vict. c. 47. s. 4.

627. It shall not be lawful for any person to levy any dues (known as passing tolls) on ships, or on goods carried in ships, passing but not entering any harbour.

Prohibition of differential dues. 24 & 25 Vict. c. 47. s. 10.

628. It shall not be lawful for any person to levy any dues (known as differential dues) or impose any liability on foreign ships, or on goods carried therein, other or higher than the dues or liabilities levied or imposed under like circumstances on British ships, or goods carried therein.

Prohibition of certain Classes of Dues.

Prohibition of dues except for shipping purposes. 24 & 25 Vict. c. 47. s. 6–9.

629. Subject and without prejudice to the exercise of any lawful power or right existing at the commencement of this Act, it shall not be lawful for any person to levy any dues unless the dues levied are applied to some shipping purpose, the benefit whereof is enjoyed by the ships or goods on which such dues are levied.

Prohibition of dues inconsistent with treaties.

630. Where any treaty, convention, or agreement entered into before the commencement of this Act by or on behalf of Her Majesty with the Government of any foreign state contains any stipulation respecting dues, it shall not be lawful for any person to levy dues otherwise than in accordance with such stipulation.

No exemption from dues allowed in United Kingdom on account of reasons herein named. 30 & 31 Vict. c. 15. s. 4.

631. After the commencement of this Act, no exemption from dues (including under the term every privilege of paying smaller dues than the public at large under like circumstances) shall be allowed in the United Kingdom on account of any one or more of the following reasons; (that is to say,)

(1.) On account of any ship being registered at or belonging to any particular country, port, or place, or trading between any particular ports or places:

(2.) On account of any ship or goods being the property of or being consigned by or to any particular person.

(3.) On account of any goods being destined for sale in any particular town, place, or market:

(4.) On account of any ship or goods being sent to or from, or anchoring or mooring at, or being laden or unladen at any particular place in any port, or in the neighbourhood of any port, except where a ship is going to or from, or anchoring or mooring at, or being laden or unladen at such place, derives from the expenditure of the class of dues in question no benefit, or less benefit than ships going to or from, or anchoring or mooring at, or being laden or unladen at another place in the same port:

(5.) On account of any goods being the product of or being destined for use at any particular manufactory, place, of district, or any particular class of manufactories: Provided that nothing in this Act contained shall affect any exemption from dues which has been granted by an Act or Parliament to the owner or occupier of some particular quay, manufactory, or place as compensation for obstruction to his water frontage or access to his premises, or other injury caused to him by the works authorized by such Act.

Transfer of shipping dues to harbour authorities.

Dues levied on Ships not to be sold or charged.

Dues not to be sold. Merchant Shipping Law Amendment Act, 1853. 16 & 17 Vict. c. 131. s. 24.

632. No dues, of whatever nature soever, levied or leviable, or hereafter to be levied or leviable, in any port of the United Kingdom, shall be sold, mortgaged, or charged in any manner or for any purpose without the consent of the Board of Trade first obtained.

Such sales or mortgages to be void, except in certain cases. 16 & 17 Vict. c. 131. s. 24.

633. Any such sale, mortgage, or charge made after the twentieth day of August one thousand eight hundred and fifty-three, without such consent, shall be absolutely void, except in the following cases:

(1.) In the case of any sale, mortgage, or charge of any dues levied for the use of any harbour or other undertaking intended solely for the benefit of shipping, where the moneys raised by the same are to be applied exclusively for the purposes of the undertaking for the use of which such dues are levied or leviable:

(2.) In the case of any mortgage or charge made under the authority of any Act of Parliament for the purpose of raising money to pay the costs of any work constructed or duly contracted for before the twentieth day of August one thousand eight hundred and fifty-three:

(3.) In the case of any mortgage or charge made or continued under any powers of reborrowing or continuing money, or mortgage or bond given by any Act of Parliament for the purposes of any such work so constructed or contracted for as aforesaid.

(4.) In the case of any sale, mortgage, or charge made under or in virtue of any Act of Parliament passed after the twentieth day of August one thousand eight hundred and fifty-three.

Transfer of Shipping Dues to Harbour Authorities.

Power to transfer dues. 24 & 25 Vict. c. 47. ss. 17, 18, and 19.

634. Any person now or hereafter having power to levy dues may, with the consent of Her Majesty in Council, by deed, transfer, upon such terms as he thinks fit, all or any portion of the dues leviable by him to any harbour authority having powers in relation to any public harbour within which such dues or any portion thereof may be levied; and with respect to any such transfer the following provisions shall have effect:—

(1.) Before making any such transfer, the intending transferor shall give notice of the terms of the intended transfer by publishing them twice at least in some local newspaper,

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or by advertising in such a newspaper the times and place at which a copy of them may be inspected:

Transfer of shipping dues to harbour authorities.

(2.) Any person interested may lay before the transferor in writing any objections or observations with reference thereto, and the intending transferor and transferees shall take the same into consideration, and make such modifications in or additions to the terms (if any) as they may think fit to adopt, and shall also, in applying for the consent of Her Majesty in Council, forward all such objections and observations, with their answer thereto, for the consideration of Her Majesty in Council:

(3.) Upon the completion of the transfer, the Order in Council approving of the transfer, with the instrument of transfer, shall be published in the London Gazette, and such Order shall be conclusive evidence of the transfer and of its terms.

Provisional order for for transfer.

635. Where in any harbour dues are levied which are not applied to some shipping purpose, the benefit whereof is enjoyed by the ships or goods on which such dues are levied, the harbour authority of such harbour may apply to the Board of Trade to make, and the Board of Trade may make, a provisional order for transferring such dues to the harbour authority. Such transfer may be made for such consideration, and in such manner, and upon such terms and conditions, and with such powers to the harbour authority, as may seem expedient.

Application of dues and of consideration money. 24 & 25 Vict. c. 47. ss. 17, 20.

636. The transferees, upon the transfer made with an Order in Council or by a provisional order, shall have all rights and privileges in respect of dues transferred which the transferor had at the time of the transfer, and shall apply the dues transferred to shipping purposes within the harbour.

The transferor shall hold all money paid to him by way of consideration for the transfer upon the trusts, if any, and for the purposes upon and for which the dues, if not transferred, would have been held, and shall apply the same accordingly.

Power to borrow for transfer. 24 & 25 Vict. c. 47. ss. 17, 20.

637. Every harbour authority may from time to time borrow at interest, on the security of any property or dues, any money required for procuring any such transfer, either with the consent of Her Majesty in Council or by provisional order; and for this purpose the clauses of The Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the commissioners (except the clause numbered eighty-four) shall be incorporated with this Act.

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General Savings.

Exemption of ships in Her Majesty's Service, &c. from rates, &c. 10 & 11 Vict. c. 27. s. 21.

General Savings.

638. Nothing in the Merchant Shipping Code, 1870, shall charge with dues, or regulate or subject to control, any ship of or in the service of Her Majesty, her heirs and successors, or of any member of the royal family,—or any ship in the service of the Board of Trade, Customs, or Excise, or a general lighthouse authority not conveying goods for hire,—or any packet boat or post office packet (as defined in any Act relating to the post office), or any post office bag of letters conveyed thereby or otherwise,—or any person in the service of the Admiralty, War Office Customs, Excise, or Post Office, or his baggage,—or any ship or goods under seizure by officers of revenue,—or any naval, victualling or ordnance stores, or other stores or goods of or for the service of Her Majesty,—or any troops or their baggage.

If any person claims and takes the benefit of the present section without being entitled thereto he shall for every such offence be liable to a penalty not exceeding *ten pounds*, and such penalty shall be summarily recoverable.

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PART XII.

Crimes Act.

Preliminary.

Preliminary.

Short title.

639. This Act may be cited as "The Merchant Shipping Code (Crimes Act) 1870."

Incorporation of certain clauses of General Provisions Act.

640. The provisions of the Merchant Shipping Code (General Provisions Act), 1870, relating to "Legal Procedure" shall be incorporated with this Act.

Crimes against Ships.

Crimes.

Malicious destruction of ship.
12 G. 3. c. 24.
29 G. 3. c. 46. s. 1.
5 & 6 Vict. c. 28. s. 2.
24 & 25 Vict. c. 97. ss. 42, 43, & 47.
24 & 25 Vict. c. 100. s. 13.
24 & 25 Vict. c. 97. s. 44.

641. Every person who unlawfully and maliciously;

(1.) Sets fire to, casts away, or wholly or partially destroys any ship or boat, whether the same be complete or in an unfinished state;

(2.) Sets fire to any part of, or any part of the tackle of any ship or boat, or any goods or chattels being therein, with intent to commit murder, or endanger the life of any person on board any such ship or boat;

(3.) Throws in, into, upon, against, or near any ship or boat any gunpowder or other explosive substance with intent to destroy or damage any ship or boat, the tackle thereof, or any goods or chattels being therein, or to endanger the life of any person on board any ship or boat, whether or not any explosion take place, and whether or not any injury be effected;

(4.) Unlawfully or maliciously does any act tending to the immediate loss or destruction of any ship or boat;

(5.) Makes, by any overt act, an attempt to commit any offence in this section before mentioned under such circumstances, that if such attempt had been successful, the offender would have been guilty of felony;

shall be guilty of felony, and be liable, at the discretion of the court before which he is convicted, to penal servitude *for life* or for any term not less than the minimum term allowed by law, or to imprisonment for any term not exceeding *two years*, with or without hard labour, and in the case of a male under sixteen years of age, *with or without whipping*.

Malicious damage to a ship a misdemeanor.

642. Every person who unlawfully and maliciously damages any ship or boat, or any part thereof, or any part of the tackle, apparel,

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Crimes.

or furniture thereof, or any goods or chattels therein, shall be guilty of a misdemeanor.

Where any person is charged with an act in relation to a ship or boat, or part thereof, or in relation to the tackle thereof, or to any goods or chattels therein, which is by this Act declared to be a felony, and such person is proved to have been guilty of a misdemeanor under this section, he may be convicted accordingly, notwithstanding the charge made against him of felony.

Misconduct endangering ship or life or limb a misdemeanor. 17 & 18 Vict. c. 104. s. 239.

643. Any master of or any seaman or apprentice belonging to any British ship who by wilful breach of duty, or by neglect of duty, or by reason of drunkenness,—

(1.) Does any act tending to the immediate loss, destruction, or serious damage of such ship, or tending immediately to endanger the life or limb of any person belonging to or on board of such ship; or,

(2.) Refuses or omits to do any lawful act proper and requisite to be done by him for preserving such ship from immediate loss, destruction, or serious damage, or for preserving any person belonging to or on board of such ship from immediate danger to life or limb;

shall for every such offence be deemed guilty of a misdemeanor.

Endangering life in sending ship to sea unseaworthy.

644. Every person who, being an owner or an agent of an owner of any British ship, sends such ship to sea in an unseaworthy state so as to endanger any person belonging to or on board the same, shall be guilty of a misdemeanor unless he proves that he used all reasonable means to make and keep the ship seaworthy and was ignorant of such unseaworthiness, or that her going to sea in an unseaworthy state was, under the circumstances, reasonable and unavoidable.

A misdemeanor under this section shall not be punishable on summary conviction.

Piracy declared to be felony.

645. Piracy, whether at common law or by statute, is hereby declared to be felony according to the law of England and of any other place in Her Majesty's dominions to which such law is applicable.

Jurisdiction.

Jurisdiction in respect of certain Offences.

Extension of jurisdiction in respect of offences triable in the United Kingdom.

646. For the purpose of jurisdiction in respect of offences triable in the United Kingdom the following enactments shall be in force; that is to say,

(1.) Any lake, river, tidal or other water in the United Kingdom which runs between or forms the boundary of two or

more magisterial jurisdictions shall be deemed to be wholly within each of such jurisdictions:

(2.) Any port, bay, or harbour not included within the foregoing description, and abutting on or forming the boundary of two or more magisterial jurisdictions in the United Kingdom shall be deemed to be wholly within each of such jurisdictions:

(3.) Any tidal water or part of the sea not included in the foregoing descriptions and within the territorial jurisdiction of the United Kingdom, and adjacent to, or lying off, or surrounding any part of the shore of the United Kingdom, shall be deemed to form part of the shore to which it is adjacent or which it surrounds.

"Magisterial jurisdiction" shall for the purposes of this section include the jurisdiction of any justice of the peace, of any sheriff or sheriff substitute, or of any magistrate or court having jurisdiction in respect of crimes or offences within any part of the United Kingdom.

Jurisdiction of British Court in respect of offences at sea. *See* 17 & 18 Vict. c. 104. s. 267. 18 & 19 Vict. c. 91. s. 21. 30 & 31 Vict. c. 124. s. 11.

647. Any of the following offences (in this Act referred to as offences committed at sea), that is to say,

(1.) Any offence committed by any person on board any British ship or boat in any place, either within or without the dominions of Her Majesty;

(2.) Any offence committed by any British subject on board any foreign ship or boat to which he does not belong; or,

(3.) Any offence committed within the jurisdiction of the Admiralty of England or Ireland;

shall, for all purposes of and incidental to the trial and punishment of any person guilty of any such offence be deemed to have been committed either in the place in which the offence was wholly or partly committed, or in any place within Her Majesty's dominions in which the person who committed such offence may, for the time being, be.

Jurisdiction of British court in respect of offences by seafaring persons. 57 G. 3. c. 53. 17 & 18 Vict. c. 104 s. 267.

648. Any offence committed in any place out of Her Majesty's dominions, either ashore or not, by any master, seaman, or apprentice who at the time the offence is committed is, or being a British subject within three months previously has been, employed in any British ship (which offence is in this Act referred to as an offence committed by a seafaring person) shall, for all purposes of and incidental to the trial and punishment of any person guilty of any such offence be deemed to have been committed either in the place

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Jurisdiction.

in which the offence was wholly or partly committed, or in any place within Her Majesty's dominions in which the person who committed such offence may, for the time being, be, and the offender shall be punished accordingly.

Venue.
24 & 25 Vict. c. 97.

649. Any offence committed at sea or by a seafaring person may be described in any indictment or other document relating to such offence as having been committed at the place where it was wholly or partly committed, or it may be averred generally to have been committed on the high seas, or out of Her Majesty's dominions, and the venue or local description in the margin may be that of the county, city, or place in which the trial is held.

Power to remove offenders.

650. The following authorities, that is to say, in the United Kingdom any judge of a superior court, in any other place within the jurisdiction of any British Court of Justice, such Court, or if there are more Courts than one, the Court having the highest criminal jurisdiction in that place, may, by warrant or instrument in the nature of a warrant, direct that any offender charged with an offence committed at sea or by a seafaring person shall be removed to some other place in Her Majesty's dominions for trial in cases where it appears to the authority granting the warrant or instrument in the nature of a warrant that the removal of such offender would be conducive to the interests of justice, and any prisoner so removed shall be triable at the place to which he is removed in the same manner as if his offence had been committed at such place.

Conveyance of offenders and witnesses to United Kingdom or some British possession.
17 & 18 Vict. c. 104. s. 268.

651. The following provisions shall have effect with respect to any offence committed at sea or by a seafaring person; (that is to say,)

(1.) Whenever any complaint is made to any British consular officer of any such offence, such consular officer may inquire into the case upon oath, and may, if the case so requires, take any steps in his power for the purpose of placing the offender under necessary restraint and of sending him as soon as practicable in safe custody to any of the following places, to be there proceeded against according to law; (that is to say,)

(1.) To the United Kingdom:

(2.) To any British possession in which there is a court capable of taking cognizance of the offence:

(3.) To any port or place out of Her Majesty's dominions in which Her Majesty hath jurisdiction, and in which there is a British court capable of taking cognizance of the offence:

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(2.) For the purpose aforesaid the master of any British ship bound to any of the places aforesaid shall, if so required by the consular officer, receive and afford a passage and subsistence during the voyage to any such offender as aforesaid, and to the witnesses, so that such master be not required to receive more than one offender for every one hundred tons of his ship's register tonnage, or more than one witness for every fifty tons of such tonnage; and the consular officer shall endorse upon the agreement of the ship such particulars with respect to any offenders or witnesses sent in her as the Board of Trade from time to time require.

(3.) Every such master shall, on his ship's arrival at the place to which it is bound, give every offender so committed to his charge into the custody of some police officer or constable, who shall take the offender before a justice of the peace or other magistrate by law empowered to deal with the matter, and such justice or magistrate shall deal with the matter in manner required by law.

And any such master who acts in contravention of this section shall for each such offence incur a penalty not exceeding fifty pounds.

The expense of imprisoning any such offender and of conveying him and the witnesses to such place as aforesaid, in any manner other than in the ship to which they respectively belong, shall be part of the costs of the prosecution, or be paid out of moneys to be provided by Parliament.

PART XIII.

General Provisions Act.

Preliminary.

Preliminary.

Short title.

652. This Act may be cited as "The Merchant Shipping Code (General Provisions Act), 1870."

Incorporation of this Act in previous Acts.

653. Where in any of the separate Acts constituting the "Merchant Shipping Code, 1870," it is provided that the sections of this Act relating to any particular matter shall be incorporated with the separate Act, the description of the matter shall be deemed to refer to the corresponding heading in this Act, and thereupon all the sections of this Act arranged under such heading shall form part of the separate Act with which they are so incorporated, and such separate Act shall be construed as if such sections were repeated in such separate Act.

Jurisdiction.

Legal Procedure.—(I.) Jurisdiction.

Magisterial jurisdiction arising off the shore of the United Kingdom, 17 & 18 Vict. c. 104. s. 521.

654. For the purpose of jurisdiction with respect to the recovery of money, and other like proceedings of a civil character under this Act, the following enactments shall be in force; (that is to say,)

(1.) Any lake, river, or tidal water in the United Kingdom which runs between or forms the boundary of two or more magisterial jurisdictions, shall be deemed to be wholly within each of such jurisdictions:

(2.) Any port, bay, or harbour not included within the foregoing descriptions, and abutting on or forming the boundary of two or more magisterial jurisdictions in the United Kingdom, shall be deemed to be wholly within each of such jurisdictions:

(3.) Any tidal water, or part of the sea not included in the foregoing descriptions, and within the territorial jurisdiction of the United Kingdom, and adjacent to or lying off or surrounding any part of the shore of the United Kingdom, shall be deemed to form part of the shore to which it is adjacent or which it surrounds.

(4.) Magisterial jurisdiction shall for the purposes of this section include the jurisdiction of any justice or justices of the peace, of any sheriff or sheriff substitute, or of any stipendiary magistrate having jurisdiction within any part of the United Kingdom.

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Jurisdiction.

Definition of superior court.

655. Where any jurisdiction is to be exercised or thing done by or proceedings taken in any superior court, such jurisdiction may be exercised and thing done by and proceedings taken in the following courts; namely,

(1.) In England or Ireland by and in any of Her Majesty's superior courts of record at Westminster or Dublin, as the case may be, or the Court of Common Pleas for the county palatine of Lancaster, or the Court of Pleas for the county of Durham;

(2.) In Scotland, by and in the Court of Session;

(3.) In the Isle of Man, by and in the Staff of the government of that island;

(4.) And in any other British possession by and in any superior court of such possession, or any court to which the jurisdiction under this Act is given by any Act or Ordinance of the Legislature of such possession.

And the term "superior court" shall be construed to mean the above-mentioned courts.

Definition of Superior Court of Admiralty.

656. Where any jurisdiction is to be exercised or thing done by or proceedings taken in a superior court of Admiralty or by or before a judge of a superior court of Admiralty, such jurisdiction may be exercised and thing done and proceedings taken by and in the following courts, or by or before the following judges; namely,

(1.) In England and Ireland, the High Court of Admiralty of England and Ireland respectively, or the judges of those courts;

(2.) In Scotland, the Court of Session, or either division thereof, or the Lord Ordinary officiating under bills during vacation, or, so far as respects the judge, the president of the Court of Session;

And the term "Superior Court of Admiralty" shall be construed to mean the courts mentioned in this section.

Definition of Local Court of Admiralty.

657. Where any jurisdiction is to be exercised or thing done by or proceedings taken in a local court of Admiralty, such jurisdiction may be exercised and thing done and proceedings taken by and in the following courts, or by or before the following judges; namely,

(1.) In England, any court having jurisdiction under the County Court Admiralty Jurisdiction Act, 1868;

(2.) In Ireland, any court having jurisdiction under the Court of Admiralty (Ireland) Act, 1867;

(3.) In Scotland, the sheriff or sheriff substitute for the county;

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Jurisdiction.

(4.) In any British possession a Vice-Admiralty Court or any Court exercising Admiralty jurisdiction.

And the term "Local Court of Admiralty" shall be construed to mean the courts mentioned in this section.

Harbour-master at Holyhead may be commissioned as justice. 1867, s. 12.

658. The harbour-master for the time being of the harbour of Holyhead, in the event of it seeming meet to Her Majesty to assign to him Her Majesty's commission to act as a justice of the peace within the limits within which he is empowered to act in harbour matters, shall, during the continuance of such assignment and of his tenure of the office of harbour-master, execute within such limits the duties of a justice of the peace, notwithstanding he may not be qualified by estate to be a justice of the peace for a county, and shall have within such limits the same power and jurisdiction as a stipendiary magistrate has by Act of Parliament when sitting at a police court or other place appointed in that behalf.

Summary Proceedings.

Legal Procedure.—(II.) Summary Proceedings.

Summary proceedings for offences. 17 & 18 Vict. c. 104. s. 518.

659. Whenever under this Act any offence may be prosecuted summarily, or any penalty or any sum of money may be recovered summarily, or any order may be enforced summarily, or any proceeding may be taken summarily, such offence may be prosecuted, such penalty or sum of money recovered, and such order enforced, and such proceeding taken before or by the following persons or in or by the following Courts, and in the following manner; (that is to say,)

(1.) In England, before or by two justices or any stipendiary magistrate, or before or by any metropolitan police magistrate sitting alone at a police court or other appointed place, or before or by the lord mayor, or any alderman of the city of London, sitting alone or with others within the said city, in manner directed by the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facili- " tate the performance of the duties of justices of the " peace out of sessions within England and Wales with " respect to summary convictions and orders," and any Act amending the same:

(2.) In Scotland, before or by any two justices or a sheriff or sheriff substitute, or any police magistrate of a burgh, in manner directed by The Summary Procedure Act, 1864:

(3.) In Ireland, in the police district of Dublin, before or by any two justices, or one or more divisional magistrates of

police, in manner directed by the Acts regulating the powers of justices of the peace, or the police of Dublin metropolis; and elsewhere, before or by one or more justice or justices of the peace in petty sessions, in manner directed by The Petty Sessions (Ireland) Act, 1851, and any Act amending the same:

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Summary Proceedings.

(4). In any British possession, in or by the same courts, or before or by the same justices or magistrates, and in the same manner as any like offence, penalty, sum of money, or order may be prosecuted, recovered, or enforced by the laws of such possession, or in or by such other courts, or before or by such other justices or magistrates, or in such other manner as any Act or Ordinance having the force of law in such possession may from time to time provide, or as near thereto as circumstances admit.

And throughout this Act the term "court of summary jurisdiction" shall for all purposes include any such justices or magistrate and sheriff or sheriff substitute.

660. Every offence by this Act made a misdemeanor, in respect of which no penalty or other punishment is awarded, shall be punishable by fine or by imprisonment for a term not exceeding two years, with or without hard labour, and every such offence shall also (unless the contrary is expressed) be deemed to be an offence punishable on summary conviction under this Act, and every person shall be liable on summary conviction for every such offence to be punished by imprisonment for any period not exceeding six months, with or without hard labour, or by a penalty not exceeding one hundred pounds.

Punishment of misdemeanor. 17 & 18 Vict. c. 104. s. 518, paras. 1 and 2.

In Scotland the term "misdemeanor" shall be construed to mean a crime and offence.

661. Every offence by this Act made punishable by imprisonment for any period not exceeding six months, with or without hard labour, or by any penalty not exceeding one hundred pounds, may be prosecuted summarily.

Summary procedure. 17 & 18 Vict. c. 104. s. 518.

662. The time for instituting summary proceedings under this Act shall be limited as follows; (that is to say,)

Limitation of time in summary proceedings. 17 & 18 Vict. c. 104. s. 525.

(1.) No conviction for any offence shall be made under this Act in any summary proceeding instituted in the United Kingdom, unless such proceeding is commenced within twelve months after the commission of the offence; or if both or either of the parties to such proceeding happen during such time to be out of the United Kingdom, unless

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Summary Proceedings.

the same is commenced within twelve months after they both first happen to arrive or to be at one time within the same:

(2.) No conviction for any offence shall be made under this Act in any proceeding instituted in any *British* possession, unless such proceeding is commenced within twelve months after the commission of the offence; or if both or either of the parties to the proceeding happen during such time not to be within the jurisdiction of any Court capable of dealing with the case, unless the same is commenced within twelve months after they both first happen to arrive or to be at one time within such jurisdiction:

(3.) No order for the payment of money shall be made under this Act in any summary proceeding instituted in the United Kingdom unless such proceeding is commenced within twelve months after the cause of complaint arises; or, if both or either of the parties happen during such time to be out of the United Kingdom, unless the same is commenced within twelve months after they both first happen to arrive or to be at one time within the same:

(4.) No order for the payment of money shall be made under this Act in any summary proceeding instituted in any British possession, unless such proceeding is commenced within twelve months after the cause of complaint arises; or, if both or either of the parties to the proceeding happen during such time not to be within the jurisdiction of any Court capable of dealing with the case, unless the same is commenced within twelve months after they both first happen to arrive or be at one time within such jurisdiction:

And no provision contained in any other Act for limiting the time within which summary proceedings may be instituted shall affect any summary proceeding under this Act.

Appeal on summary conviction in England. 17 & 18 Vict. c. 104. s. 518. para. 4.

663. With respect to appeals in cases of summary convictions in England under this Act the following provisions shall have effect:

(1.) Where the sum adjudged to be paid exceeds five pounds, or the period of imprisonment adjudged exceeds one month, any person who thinks himself aggrieved by the conviction may appeal to the next court of general or quarter sessions holden not less than twelve days after the date of such conviction for the place wherein the case has been tried:

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Summary Proceedings.

(2.) Such person shall give to the complainant a notice in writing of such appeal, and of the cause and matter thereof, within three days after such conviction, and seven clear days at least before the sessions:

(3.) Such person shall either remain in custody until the session, or enter into a recognizance with two sufficient sureties before a justice of the peace conditioned personally to appear at the sessions and to try such appeal, and to abide the judgment of the court thereon, and to pay such costs as the court award:

(4.) On such notice being given, and such recognizance being entered into, the justice before whom the same is entered into shall liberate such person if in custody:

(5.) The court of general or quarter sessions shall hear and determine the matter of the appeal, and shall make such award thereon, with or without costs to either party, as to the court seems just:

(6.) In case of the dismissal of the appeal or affirmance of the conviction the court shall order and adjudge the offender to be punished according to the conviction, and to pay such costs as the court may think fit to award, and shall, if necessary, issue a process for enforcing the judgment.

Legal Procedure.—(III.) Evidence.

Evidence.

Depositions to be received in evidence when witness cannot be produced. 17 & 18 Vict. c. 104. s. 270.

664. Whenever in the course of any proceedings instituted for the punishment of any offence whether under this Act or otherwise instituted in any part of Her Majesty's dominions before any court or before any person authorized by law or by consent of parties to receive evidence, the testimony of any witness is required in relation to the subject matter of such proceeding, then if such proceeding be instituted in the United Kingdom, upon due proof that such witness cannot be found in that kingdom, or if the proceeding be instituted in any British possession upon due proof that he cannot be found in the same possession, or if the proceeding be instituted in any foreign port or place in which Her Majesty hath jurisdiction, then upon proof that he cannot be found within such port or place, any deposition that such witness may have previously made on oath in relation to the same subject matter before any court, judge, or magistrate in Her Majesty's dominions, or any British consular officer elsewhere, shall be admissible in evidence, subject to the following restrictions; (that is to say,)

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Evidence.

(1.) If such deposition was made in the United Kingdom it shall not be admissible in any proceeding instituted in the United Kingdom:

(2.) If such deposition was made in any British possession, it shall not be admissible in any proceeding instituted in the same British possession:

(3.) If such deposition was made in any foreign port or place in which Her Majesty hath jurisdiction it shall not be admissible in such port or place:

(4.) A deposition shall not be admissible in pursuance of this section unless it was made in the presence of the person accused.

Every deposition so made as aforesaid shall be authenticated by the signature of the judge, magistrate, or consular officer before whom the same is made; and such judge, magistrate, or consular officer shall, when the same is taken certify, if the fact is so, that the accused was present at the taking thereof, but it shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition; and such certificate as aforesaid shall, unless the contrary is proved, be sufficient evidence of the accused having been present in manner thereby certified; but nothing herein contained shall affect any case in which depositions taken in any proceeding are rendered admissible in evidence by any Act of Parliament, or by any Act or Ordinance of the legislature of any British possession, so far as regards such possession, or interfere with the power of any such legislature to make such depositions admissible in evidence, or interfere with the practice of any court in which depositions not authenticated as herein-before mentioned are admissible.

Document proved without calling attesting witness. 17 & 18 Vict. c. 104. s. 526.

665. Any document required by this Act to be executed in the presence of or to be attested by any witness or witnesses may be proved by the evidence of any person who is able to bear witness to the requisite facts without calling the attesting witness or witnesses, or any of them.

Service of notices and proof thereof.

666. Notices and documents required to be served or sent for the purposes of this Act may be in writing or print, or partly in writing and partly in print, and may be served or sent by post, and shall be deemed to have been served and received at the time when the letter containing the same would be delivered in the ordinary course of the post; and in proving such service or sending it shall be sufficient to prove that the letter containing the notice

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or document was properly addressed and prepaid and put into the post office.

Evidence.

If the person on whom any notice or document is to be served belongs to any ship, such notice or document may be served by leaving the same for him on board such ship with the person being or appearing to be in command or charge of such ship.

Process.

Legal Procedure.—IV. Process.

Sums ordered to be paid leviable by distress on ship. 17 & 18 Vict. c. 104. s. 523.

667. In all cases where any court has power under this or any other Act to make an order directing payment to be made of any seaman's wages, or of any penalties, or other sums of money, then, if the person so directed to pay the same is the master or owner of a ship, and the same is not paid at the time and in manner prescribed in the order, the court who made the order may, in addition to any other powers they may have for the purpose of compelling payment, direct the amount remaining unpaid to be levied by distress or poinding and sale of the said ship and her tackle.

Judge of court of record or Admiralty to arrest ship which has occasioned damage, when belonging to an owner resident out of the United Kingdom. 17 & 18 Vict. c. 104. s. 527.

668. Whenever any injury has, in any part of the world, been caused to any property belonging to Her Majesty or to any of Her Majesty's subjects by any ship whereof the owner or all the owners is or are resident out of the United Kingdom, if at any time thereafter such ship is found in any port or tidal water in the United Kingdom, or within the limits of the United Kingdom, it shall be lawful for the judge of any superior court in the United Kingdom, or in Scotland for such judge or the sheriff of the county within whose jurisdiction such ship may be, upon its being shown to him by any person applying summarily that such injury was probably caused by the misconduct or want of skill of the master or mariners of such ship, to issue an order directed to any officer of customs or other officer named by such judge or sheriff, requiring him to detain such ship until such time as the owner, master, or consignee thereof has made satisfaction in respect of such injury, or has given security, to be approved by the judge or sheriff, to abide the event of any action, suit, or other legal proceeding that may be instituted in respect of such injury, and to pay all costs and damages that may be awarded thereon; and any officer of customs or other officer to whom such order is directed shall detain such ship accordingly.

Power in certain cases to detain ship before application made to judge. 17 & 18 Vict. c. 104. s. 528.

In any case where it appears that before any such application can be made such ship will have departed beyond the limits of the United Kingdom, it shall be lawful for any commissioned officer on full pay in the military or naval service of Her Majesty, or any British officer of customs, or any British consular officer, to

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Process.

retain such ship until such time as will allow such application to be made, and the result thereof to be communicated to him; and no such officer shall be liable for any costs or damages in respect of such detention unless the same is proved to have been made without reasonable grounds.

Who to be defendant to suit in such cases. 17 & 18 Vict. c. 104. s. 529.

669. In any action, suit, or other proceeding in relation to such last-mentioned injury, the person so giving security as aforesaid shall be made defendant or defender, and shall be stated to be the owner of the ship that has occasioned such damage; and the production of the order of the judge or sheriff made in relation to such security shall be conclusive evidence of the liability of such defendant or defender to such action, suit, or other proceeding.

Costs.

Legal Procedure.—V. Costs.

The costs of the prosecution of misdemeanors may be allowed. See 17 & 18 Vict. c. 104. s. 518., and 24 & 25 Vict. c. 97. s. 77.

670. The court before which any offence made a misdemeanor by this Act is tried as a misdemeanor may allow the costs thereof, as follows; namely,

(1.) May in England or Ireland allow the costs of the prosecution in the same manner as in cases of felony, and every order for the payment of costs so allowed shall be made out and the sum of money mentioned therein paid and repaid upon the same terms and in the same manner in all respects as in cases of felony; and

(2.) May in any other part of Her Majesty's dominions make such allowances and order payment of such costs or expenses, if any, as are allowable or payable on the trial of a misdemeanor under any Act or Ordinance having for the time being the force of law therein.

Application of penalties, 17 & 18 Vict. c. 104. s. 524. See 10 & 11 Vict. c. 27. s. 95.

671. Any court imposing any penalty under this Act for which no specific application is provided by the Merchant Shipping Code, 1870, may, notwithstanding the provisions to the contrary of any statute in force at the commencement of this Act, if the court think fit, direct the whole or any part thereof to be applied in compensating any person for any wrong or damage he may have sustained by the act or default in respect of which such penalty is imposed, or to be applied towards payment of the expenses of the proceedings; and, subject to such directions or specific application as aforesaid, all penalties recovered in the United Kingdom shall be paid into the receipt of Her Majesty's Exchequer in such manner as the Treasury may direct, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, and all penalties recovered

in any British possession shall be paid over into the public treasury of such possession and form part of the public revenue thereof.

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Costs.

Legal Procedure.—VI. General.

General.

672. Nothing in this Act shall prevent any person from being indicted, or being liable under any other enactment of the Merchant Shipping Code, 1870, or under any other Act, or otherwise, to any other or higher penalty or punishment than is provided for any offence by this Act, so that no person be punished twice for the same offence.

Not to prevent persons from being indicted under any other Act, &c.

673. Any person appointed to be solicitor or assistant solicitor of Her Majesty's Customs, or any clerk duly appointed to act on his behalf or under his or their directions, may, in any legal or other proceeding instituted in pursuance of this Act by order of the Commissioners of Customs or the Board of Trade, act as counsel, solicitor, attorney-at-law, advocate, or writer to the signet in the prosecution, conduct, or defence of any such proceeding in any court, jurisdiction, or place in which such proceeding may be instituted, and any such solicitor, assistant solicitor, or clerk, and any officer or officers of customs under the order and directions of the Commissioners of Customs, may prosecute, defend, or conduct before any court of summary jurisdiction any such proceeding as aforesaid which is to be heard or determined by them.

Solicitors, clerks, and officers of customs may conduct cases. 16 & 17 Vict. c. 107. s. 323.

Provisional Orders.

Provisional Orders.

674. Any persons intending to make an application for a Provisional Order in pursuance of this Act (which persons are in this Act called the promoters) shall proceed as follows:—

(1.) In the October and November next before their application, or in one of those months, they shall publish notice of their intention to make such application by advertisement, according to the regulations contained in Part One of the schedule to this Act:

(2.) On or before the thirtieth day of the same month of November they shall deposit the documents described in Part Two of the same schedule, according to the regulations therein contained:

(3.) On or before the twenty-third day of December in the same year, they shall deposit the documents described in Part Three of the same schedule, according to the regulations therein contained.

Notices and deposit of documents by promoters as in schedule. 24 & 25 Vict. c. 45. 25 & 26 Vict. c. 19.

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Provisional Orders.

Power for Board of Trade to determine on application and on objection. 24 & 25 Vict. c. 45. 25 & 26 Vict. c. 19.

675. The Board of Trade shall consider the application, and also any objection thereto that may be lodged with them on or before such day as they from time to time appoint, and shall determine whether or not the promoters may proceed with the application.

In the case of an application relating to pilotage, the Board of Trade shall, not less than six weeks before they consider the application, refer the same to the pilotage authority of the district, and shall receive and consider any objections and suggestions made by that authority.

Power for Board of Trade to make Provisional Order.

676. Where it appears to the Board of Trade expedient and proper that the application should be granted, with or without addition or modification, or subject or not to any restriction or condition, the Board of Trade may settle and make a Provisional Order accordingly.

Form and contents of Provisional Order. 24 & 25 Vict c. 45. 25 & 26 Vict. c. 19.

Every such Provisional Order shall contain such provisions as, according to the nature of the application and the facts and circumstances of each case, the Board of Trade thinks fit to submit to Parliament for confirmation in manner provided by this Act; but so that any such Provisional Order shall not contain any provision for empowering the promoters or any other person to acquire lands otherwise than by agreement, or to acquire any lands, even by agreement, except to an extent therein limited.

Publication of Provisional Order as in schedule.

677. When a Provisional Order has been made as aforesaid and delivered to the promoters, the promoters shall forthwith publish the same by deposit and advertisement according to the regulations contained in Part Four of the schedule to this Act.

Confirmation of Provisional Order by Act of Parliament. 24 & 25 Vict. c. 45. 25 & 26 Vict. c. 19.

678. On proof to the satisfaction of the Board of Trade of the completion of such publication as aforesaid, the Board of Trade shall, as soon as they conveniently can after the expiration of seven days from the completion of such publication, procure a Bill to be introduced into either House of Parliament for an Act to confirm the Provisional Order, which shall be set out at length in the schedule to the Bill; and until confirmation by Act of Parliament a Provisional Order under this Act shall not have any operation.

If while any such Bill is pending in either House of Parliament a petition is presented against any Provisional Order comprised therein, the Bill, so far as it relates to the order petitioned against, may be referred to a select committee, and the petitioner shall be allowed to appear and oppose as in the case of a Bill for a special Act.

Costs of Order. 24 & 25 Vict. c. 45. 25 & 26 Vict. c. 19.

679. The costs of and connected with the preparation and making of each Provisional Order shall be paid by the promoters, and the

Board of Trade may require the promoters to give security for such costs before they proceed with the Provisional Order.

Provisional Orders.

Deposit of documents with clerk of the peace.

680. All maps, plans, and documents required by this Act to be deposited for the purposes of any Provisional Order may be deposited with the persons and in the manner directed by the Act of the session of the seventh year of William the Fourth and the first year of Her present Majesty, chapter eighty-three, intituled "An Act "to compel clerks of the peace for counties and other persons to "take the custody of such documents as shall be directed to be "deposited with them under the standing orders of either House "of Parliament;" and all the provisions of that Act shall apply accordingly.

Orders in Council.

Orders in Council.

Orders in Council.

681. Where under the Merchant Shipping Code, 1870, it is made lawful for Her Majesty to make an Order in Council for any purpose, it shall be lawful for Her Majesty in Council from time to time to make, alter, and revoke such Order.

Every Order in Council made under the Merchant Shipping Code, 1870, shall be published in the "London Gazette," or otherwise, as to Her Majesty in Council may seem best for making it known to all persons interested.

Such Order shall come into operation at the date of such publication or such later date as may be prescribed by the Order.

Schedules may be altered or repealed by Orders in Council.

682. Any schedule annexed to this Act may be altered or repealed wholly or in part, by Order in Council, and new provisions may be substituted in the place of any schedule or the part thereof so repealed by such Order. But the alteration or repeal of any schedule, or of any part thereof, shall be subject to the conditions, if any, imposed on such alteration or repeal by this Act, and nothing in this section shall take away or diminish the power of altering or repealing the schedules to this Act in the manner, if any, by such Act prescribed.

The provisions of this section shall apply as well to the schedules annexed to the Merchant Shipping Code (General Provisions Act) 1870, as to the schedules annexed to any of the separate Acts which constitute the Merchant Shipping Code, 1870.

Inspectors.

Inspectors.

Appointment of inspectors by Board of Trade, and their powers.

683. The Board of Trade may from time to time appoint any person as an inspector to report to them on the following matters, or any of them:

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Inspectors.

17 & 18 Vict. c. 104. ss. 14–16, and 24.

(1.) On the nature and causes of any accident or damage which any ship has sustained or caused, or is alleged to have sustained or caused:

(2.) Whether this Act or any regulation made thereunder has been complied with:

(3.) Whether the hull and machinery of any steam ship are sufficient and in good condition.

And every such inspector shall have the following powers:

(1.) He may go on board any ship, and may inspect her or any part of her, or any machinery, boats, equipments, or articles to which this Act applies on board, not unnecessarily detaining her:

(2.) He may enter and inspect any building or place the entry or inspection whereof appears to him requisite for the purposes of the report which he is directed to make:

(3.) He may by summons under his hand require the attendance of all such persons as he thinks fit to call before him and examine for those purposes, and may require answers or returns to such inquiries as he thinks fit to make:

(4.) He may require and enforce the production of all books, papers, and documents which he considers important for those purposes:

(5.) He may administer an oath, and require any person examined to make and sign a declaration of the truth of the statements made by him in his examination:

And every person so summoned shall be allowed such expenses as would be allowed to a witness attending on subpœna before a court of record, or attending on citation the Court of Justiciary; and in case of dispute as to the amount to be allowed, the same shall be referred by the inspector in England and Ireland to a Master of one of the Superior Courts, or the Registrar of the Superior Court of Admiralty, and in Scotland to the Queen's and Lord Treasurer's Remembrancer, who respectively, on request under the hand of the inspector, shall ascertain and certify the proper amount of such expenses.

If any person, without reasonable excuse (proof whereof shall lie on him), does any of the following things, namely,—

(1.) Having been summoned, and having had the expenses (if any) to which he is entitled tendered to him, fails to attend as a witness before the inspector, or to make any answer, or to give any return, or to produce any document, or to make or sign any declaration; or,

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Inspectors.

(2.) Prevents or impedes the inspector in the execution of his duty on board ship or elsewhere,

he shall for every such offence be liable to a penalty not exceeding ten pounds; and where the offence consists of preventing or impeding as aforesaid, the inspector, or any person called by him to his assistance, may seize and detain the offender until he can be conveniently taken before a court of summary jurisdiction, to be dealt with according to law.

Dues.

Dues.

Liability for dues payable by ship. 17 & 18 Vict. c. 104. ss. 363, 381. 25 & 26 Vict. c. 63. ss. 44. 66.

684. The following persons shall be liable to pay the dues payable by or in respect of any ship; (that is to say,) the owner and master and such consignee or agent thereof as may have paid or made himself liable to pay any other charge on account of such ship in the port of her arrival or discharge or in the port from which she clears out.

The following persons shall be liable to pay the dues payable in respect of any goods carried in any ship; (that is to say,) the owner of such goods, and also any consignor, consignee, shipper, or agent for the sale or custody of such goods, and also any person entitled either as owner or agent for the owner to the possession of such goods.

Power for consignees, &c. to retain dues paid by them. 17 & 18 Vict. c. 104. ss. 363, 381. 25 & 26 Vict. c. 63. s. 45.

685. Every consignor, consignee, shipper, or agent, not being the owner or master of any ship or goods, by this Act made liable for the payment of any dues in respect of any ship or goods (as the case may be), may, out of any moneys in his hands received on account of such ship or goods, or belonging to the owner thereof, retain the amount of dues so paid by him, together with any reasonable expenses he may have incurred by reason of such payment and liability.

Recovery of dues. 17 & 18 Vict. c. 104. s. 401.

686. Any dues may be recovered in any court of competent jurisdiction by the person to whom the same are payable as a debt due to him.

Any person authorized to collect dues may distrain any ship and the tackle thereof, or any goods in respect of which dues are payable, and may keep such ship or goods until the dues payable in respect of such ships or goods respectively are paid, and, if the same are not paid within seven days after distress, may cause the property distrained, or any part thereof, to be sold, and out of the proceeds of the sale may pay the amount of such dues, and the expenses of the distress, keeping, and sale.

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Dues.

The power given to the collector under this section shall be given in addition to the remedies hereby provided for the recovery of dues.

Settlement of disputes concerning dues or charges occasioned by distress. 10 & 11 Vict. c. 27. s. 46.

687. Where a difference arises concerning the amount of any dues payable, or of the charges occasioned by any distress or arrestment, the person distraining or arresting may detain the goods distrained or arrested until such amount is ascertained by a court of summary jurisdiction, which, upon application made for that purpose, shall determine the same, and award such costs to be paid by either party to the other as the court thinks reasonable.

Penalty on evasion. 10 & 11 Vict. c. 27. s. 43.

688. If any master, owner, consignor, consignee, shipper, or agent, evades the payment of any due he shall be liable to a penalty either of any sum not exceeding *ten pounds*, or in case the amount of the dues which he has evaded exceeds ten pounds then of any sum not exceeding such amount, and such penalty shall be summarily recoverable.

Recovery of damages and dues, and by distress of ship. 10 & 11 Vict. c. 27. s. 75. 17 & 18 Vict. c. 104. s. 401. 25 & 26 Vict. c. 63. s. 46.

689. In addition to the remedies hereby provided for the recovery of any dues payable under the principal Act or any damages recoverable summarily the collector of dues or any person authorized by the court awarding such damages may distrain and keep any ship or timber, and any tackle thereof, until the damages and costs awarded or the dues payable are paid, and, if the same are not paid within seven days after distress, may cause the property distrained, or any part thereof to be sold, and out of the proceeds of the sale may pay the amount of damages and costs or dues, and the expenses of the distress, keeping, and sale.

Detention of Ships.

Detention of ships.

690. Where under this Act any officer of customs has power to detain any ship, any officer of customs may refuse to grant a clearance or transire to such ship until the cause of such detention is removed, and may call to his aid any officer of the army, navy, or marines employed in the prevention of smuggling, or any excise office, police officer, constable, or other person having authority from the Commissioners of Customs or Inland Revenue to make seizures, and may put on board the ship any one or more of such officers or other persons to take charge of the same; and if any officer or other person put on board or in charge of any ship detained as aforesaid is removed therefrom, or if such ship proceeds to sea with any such officer or other person on board, the ship shall be liable for every such offence to a penalty not exceeding one hundred pounds, and the further penalty of five pounds for every day during

which such officer or other person is prevented from returning, or is unable with reasonable diligence to return, to the port or place from which he has been taken, besides the reasonable expenses incurred by such officer or other person in returning to such port or place.

The said penalty and expenses may be summarily recovered by the Commissioners of Customs as a penalty, or as if they were dues payable to them by such ship.

General Savings.

General Savings.

Exemption of ships in Her Majesty's Service, &c. from rates, &c. 10 & 11 Vict. c. 27 s. 21.

691. Nothing in the Merchant Shipping Code, 1870, shall charge with dues, or regulate or subject to control, any ship of or in the service of Her Majesty, her heirs and successors, or of any member of the royal family,—or any ship in the service of the Board of Trade, Customs, or Excise, or a general lighthouse authority not conveying goods for hire,—or any packet boat or post office packet (as defined in any Act relating to the post office), or any post office bag of letters conveyed thereby or otherwise,—or any person in the service of the Admiralty, War Office Customs, Excise, or Post Office, or his baggage,—or any ship or goods under seizure by officers of revenue,—or any naval, victualling or ordnance stores, or other stores or goods of or for the service of Her Majesty,—or any troops or their baggage.

If any person claims and takes the benefit of the present section without being entitled thereto he shall for every such offence be liable to a penalty not exceeding *ten pounds*, and such penalty shall be summarily recoverable.

Construction.

Construction.

Definitions.

692. In this Act (if not inconsistent with the context or subject matter) :—

The term "British possession" means any colony, plantation, island, territory, or settlement within Her Majesty's dominions, and not within the United Kingdom, and all territories and places under one legislature as herein-after defined are deemed to be one British possession for the purposes of this Act :

The term "Legislature" means any person or persons who exercise legislative authority in any British possession, and where there are local legislatures as well as a central legislature means the central legislature only :

The term "the Treasury" means the Commissioners of Her Majesty's Treasury for the time being, or any two or more of them :

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Construction

The term "the Admiralty" means the Lord High Admiral or the Commissioners for executing his office:

The term "the Trinity House" means the master, wardens, and assistants of the guild, fraternity, or brotherhood of the most glorious and undivided Trinity and of St. Clement in the parish of Deptford Strond in the county of Kent, commonly called the corporation of the Trinity House of Deptford Strond:

The term "consular officer" means a consul general, consul, and vice-consul, and any person for the time being discharging the duties of consul general, consul, or vice-consul:

The term "master" includes every person having command or charge of any ship or boat:

The term "seaman" includes every person (except masters, pilots, and apprentices duly indentured and registered) employed or engaged in any capacity on board any ship:

The term "person" includes body corporate:

The term "ship" includes every description of vessel used in navigation not propelled exclusively by oars:

The term "foreign-going ship" means every ship employed in trading or going between some place or places in the United Kingdom, and some place or places situate beyond the following limits; that is to say, the coasts of the United Kingdom, the islands of Guernsey, Jersey, Sark, Alderney, and Man:

The term "coasting ship" means every ship employed in trading or going within the following limits: that is to say, the United Kingdom, the islands of Guernsey, Jersey, Sark, Alderney, and Man:

The term "coasting passenger ship" means every coasting ship employed in carrying passengers:

The term "boat" means every description of vessel used in navigation not being a ship:

The term "tackle," used in relation to a ship, includes all furniture and apparel thereof:

The term "wreck" includes jetsam, flotsam, lagan, and derelict, found in or on the shores of the sea or any tidal water:

The term "tidal water" means any part of the sea or of a river within the ebb and flow of the tide at ordinary spring tides:

The term "tidal lands" means such parts of the bed, shore, or banks of a tidal water as are covered and uncovered by the flow and ebb of the tide at ordinary spring tides:

The term "foreign port" means any port out of Her Majesty's dominions:

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The term "harbour" includes any harbour properly so called, whether natural or artificial, and any haven, estuary, dock, pier, jetty, and work, in or at which ships do or can obtain shelter, or ship or unship goods or passengers; and the same term, when used in any provision relating to the jurisdiction or powers of a harbour authority, extends to and includes the whole limits assigned by any statute or other law, or by charter or usage, as the limits of the harbour or the limits within which such jurisdiction or powers may be exercised, with all docks, quays, yards, works, and buildings within those limits belonging to such harbour authority or being under the exclusive control of such harbour authority by virtue of such statute, law, charter, or usage:

The term "harbour authority" means any persons or person, being proprietors or proprietor of or intrusted with the duty or invested with the power of constructing, improving, managing, regulating, maintaining, or lighting a harbour:

The term "conservancy authority" means any person intrusted with the duty of conserving, maintaining, or improving the navigation of any tidal water:

The term "shipping purpose" includes the constructing or doing of any work or thing that conduces to the safety or convenience of ships, or that facilitates the shipping or unshipping of goods or passengers, or is intended to do so, and also the management and superintending of any such work; and also includes the maintenance of any lifeboat or other means of preserving life in case of shipwreck:

The term "special Act" means a local or local and personal Act, or an Act of a local and personal nature, and includes a provisional order of the Board of Trade confirmed by Act of Parliament, and a certificate granted by the Board of Trade under the Railways Construction Facilities Act, 1864; and powers under a Provisonal Order so confirmed, or under such certificate, are included among "statutory powers" within the meaning of this Act:

The term "the Lands Clauses Acts" means, with respect to England and Ireland, The Lands Clauses Consolidation Act, 1845, and any Act amending the same; and, with respect to Scotland, The Lands Clauses Consolidation (Scotland) Act, 1845, and any Act amending the same:

The term "goods" includes wares and merchandise of every description, and all articles in respect of which dues are payable in or at any harbour:

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Construction.

The term "wharf" includes all wharves, quays, docks, and premises in or on which goods when landed from ships may be lawfully placed:

The term "warehouse" includes all warehouses, buildings, and premises in which goods when landed from ships may be lawfully placed:

The term "ballast" includes anything used for the ballasting of ships:

The term "due" means any due toll, rate, impost, tax, charge, or duty, or payment in the nature thereof, payable in respect of ships or goods carried in ships, other than a duty of customs levied for the use of Her Majesty:

The term "quarter sessions" includes general sessions:

The term "court" means any court, justices, sheriff, or magistrate having power to exercise summary jurisdiction under this Act.

Commencement of Act.

693. This Act shall not come into operation until the first day of May one thousand eight hundred and seventy-one, which date is in this Act referred to as the commencement of the Act.

SCHEDULE to GENERAL PROVISIONS ACT.

Provisional Orders.

Part I.

Advertisement in October or November of intended application.

(1.) Every advertisement is to state—

1. The objects of the intended application, specifying any of the following objects, when comprised among the objects of the application :

(*a.*) Transfer of pilotage or harbour jurisdiction, and consequential arrangements.

(*b.*) Constitution and incorporation of a new pilotage or harbour authority.

(*c.*) Alteration of the constitution of any pilotage or harbour authority.

(*d.*) Exemption from compulsory payment of pilotage dues in any pilotage district.

(*e.*) Power to license pilots and to fix pilotage dues for any district.

(*f.*) Additional facilities for the recovery of pilotage dues, or for preventing the employment of unlicensed pilots.

(*g.*) Facilities for enabling qualified persons, after examination as to their qualifications, to obtain licences as pilots.

(*h.*) Extension of time for the completion of works already authorized.

(*i.*) Power for one company to amalgamate with another.

(*k.*) Power to sell, purchase, lease, or take on lease an undertaking.

(*l.*) Amendment or repeal of any local or special Act of Parliament, or of any former Provisional Order.

(*m.*) Power to levy any tolls, dues, or duties, or to alter any existing tolls, dues, or duties.

(*n.*) Conferring, varying, or extinguishing of any exemption from tolls, dues, or duties, or of any other right or privilege.

(*o.*) Transfer to harbour authority of dues not applied for benefit of shipping.

2.

(*a.*) A general description of the limits of the proposed new pilotage district.

(*b.*) A general description of the nature of the proposed new works, if any.

3. The names of the townlands, parishes, townships, and extra-parochial places in which the proposed new works, if any, will be made.

4. The times and places at which the deposit under Part II. of this schedule will be made.

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5. An office, either in London or at the place to which the intended application relates, at which printed copies of the draft Provisional Order, when deposited, and of the Provisional Order, when made, will be obtainable as herein-after provided.

(2.) The whole notice is to be included in one advertisement, which is to be headed with a short title descriptive of the undertaking or application.

(3.) The advertisement is to be inserted once at least in each of two successive weeks in some one and the same newspaper published in every city, town, or place in the pilotage district affected by the proposed arrangements, or where the proposed works will be made, or where the harbour to which the intended application relates is situate; or if there be no such newspaper, then in some one and the same newspaper published in the county in which every such city, town, or place, or some part thereof, is situate; or if there be none, then in some one and the same newspaper published in some adjoining or neighbouring county.

(4.) The advertisement is also, in every case, to be inserted once at least in the London Gazette, if the place to which the intended application relates is situate in England or Wales, in the Edinburgh Gazette if such place is situate in Scotland, or in the Dublin Gazette if such place is situate in Ireland.

Part II.

Deposit on or before 30th November.

(1.) The promoters are to deposit—

1. A copy of the advertisement published by them.
2. A proper plan and section of the proposed new works, if any; such plan and section to be prepared according to such regulations as may from time to time be made by the Board of Trade in that behalf.

(2.) The documents aforesaid are to be deposited for public inspection—

1. In England or Ireland, in the office of the clerk of the peace for every county, riding, or division; in Scotland, in the office of the principal sheriff clerk for every county, district, or division,—in which any proposed new work will be made, or in which the pier or harbour to which the intended application relates, or any part thereof, is situate.
2. At the custom house, if any, of the port, sub-port, or creek to which the intended application relates.

(3.) The documents aforesaid are also to be deposited at the office of the Board of Trade.

Part III.

Deposit on or before 23rd December.

(1.) The promoters are to deposit at the office of the Board of Trade—

1. A memorial of the promoters, signed by them or some or one of them, headed with a short title descriptive of the undertaking or application

(corresponding with that at the head of the advertisement), addressed to the Board of Trade, and praying for a Provisional Order.

2. A printed draft of the Provisional Order as proposed by the promoters, with any schedule referred to therein.

3. An estimate of the expense of the proposed new works, if any, signed by the person making the same.

(2.) They are also to deposit printed copies of the draft Provisional Order and schedule (if any) for public inspection at the custom house (if any) of the port, sub-port, or creek to which the application relates.

(3.) They are also to deposit a sufficient number of such printed copies at the office named in that behalf in the advertisement; such copies to be there furnished to all persons applying for them at the price of not more than one shilling each.

(4.) The memorial of the promoters (to be written on foolscap paper bookwise, with quarter margin) is to be in the following form, with such variations as circumstances require:—

[*Short title of undertaking.*]

To the Board of Trade,

The memorial of the promoters of [*short title of undertaking*]:

Sheweth as follows;

1. Your memorialists have published, in accordance with the requirements of the above-mentioned Act, the following advertisement:

[*Here advertisement to be set out verbatim.*]

2. Your memorialists have also deposited, in accordance with the requirements of the said Act, copies of the said advertisement [and all proper plans and sections of the proposed new works].

Your memorialists, therefore, pray that a Provisional Order may be made in the terms of the draft proposed by your memorialists, or in such other terms as may seem meet.

A.B.,
C.D.,
Promoters.

PART IV.

Deposit and advertisement of Provisional Order when made.

(1.) The promoters are to deposit printed copies of the Provisional Order, when settled and made, for public inspection in the offices of clerks of the peace and sheriff clerks, and at the custom houses, where the documents required to be deposited by them under Part II. of this schedule were deposited.

(2.) They are also to deposit a sufficient number of such printed copies at the office named in that behalf in the advertisement, such copies to be there furnished to all persons applying for them at the price of
each.

(3.) They are also to publish the Provisional Order as an advertisement once in the local newspaper in which the original advertisement of the intended application was published.

Merchant Shipping Cod

A

BILL

To consolidate and amend the Acts re
to Merchant Shipping and Navigatio

(*Prepared and brought in by*
Mr. Bright, Mr. Shaw Lefevre, and Mr. Stansf

Ordered, by The House of Commons, *to be Prin*
14 *February* 1870.

[Bill 24.]

Under 36 oz.

A

B I L L

To consolidate and amend the Acts relating to Merchant Shipping and Navigation.

(*Not Printed.*)

[Bill 259.]

Bill, No. III

A

B I L L

TO

Repeal divers Acts relating to Merchant Shipping, Navigation, and the Board of Trade. A.D. 1870.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited as "The Merchant Shipping Repeal Act, 1870." Short title.

2. This Act shall not come into operation until the day on which the Merchant Shipping Code, 1870, comes into operation. Commencement of Act.

Repeal.

3. The Acts mentioned in the first schedule to this Act are hereby repealed to the extent in the third column mentioned. Repeal of Acts.

Provided that—

(1.) This repeal shall not affect the validity or invalidity of anything done or suffered before the commencement of this Act, or any compensation, pension, annuity, or payment payable in pursuance of any Act hereby repealed, or any right or title acquired or accrued or liability incurred before the commencement of this Act, or any proceeding to enforce the same, or any proceeding respecting or punishment for any offence committed before the commencement of this Act, or any legal proceeding commenced before the commencement of this Act:

(2.) All ships registered under any enactment hereby repealed shall be deemed to be registered under the Merchant Shipping Code:

(3.) The appointment of any committee of the Privy Council, under the enactments hereby repealed, shall have effect as if such committee had been appointed under the Board of

A.D. 1870.

Trade Act, 1870, and such committee shall be deemed to be in all respects the same committee:

(4.) Certificates of competency or service granted under any Act hereby repealed shall for all purposes be deemed to be certificates of competency granted under the Merchant Shipping Code (Masters and Seamen's Act), 1870:

(5.) Every savings bank established under any enactment hereby repealed shall be deemed to have been established under the Merchant Shipping Code (Masters and Seamen's Act), 1870:

(6.) Every act and proceeding commenced under or in pursuance of any enactment hereby repealed shall be continued in like manner as near as may be under the Merchant Shipping Code, 1870:

(7.) Every document issued or executed under any enactment hereby repealed shall have effect as near as may be as if the same had been issued or executed under the Merchant Shipping Code, 1870.

Power of Board of Trade in certain harbours. 25 & 26 Vict. c. 69. s. 17.

4. The enactments mentioned in the second schedule to this Act, and every other enactment relating to or affecting the harbours mentioned in such enactments, shall be construed as if the Board of Trade were therein named, instead of the Admiralty, or instead of any commissioner, as the case may be.

Temporary Provisions.

Indentures made before passing of Act without stamps to be valid.

5. Where any indentures of apprenticeship to the sea service have been made before the commencement of this Act, and no stamp duty has been paid thereon, such indenture shall not be invalid by reason only of such nonpayment.

Delivery of certificate of service to persons who have served in home trade before commencement of Act.

6. Where a person has served in a ship which has been allowed by law before the commencement of this Act to go to sea from ports in the United Kingdom to foreign ports without the officers of such ship having certificates of competency or service, a certificate of service as master or mate shall be granted to such person according as he has served as master or mate.

Such certificate of service shall differ in form from a certificate of competency, and shall contain particulars of the name, place, and time of birth, and of the length and nature of the previous service of the person to whom the same is delivered; and the Board of Trade shall deliver such certificates of service to the various persons respectively entitled thereto, upon their proving

themselves to have attained such rank, and to have served as aforesaid, and upon their giving a full and satisfactory account of the particulars aforesaid. Every such certificate shall have the same effect under the Merchant Shipping Code, (Masters and Seamen Act,) 1870, as a certificate of competency.

Powers lately vested in the Receiver General and receivers appointed by him. 17 & 18 Vict. c. 120. ss. 10, 11, 12, 13.

7. Receivers appointed by the Receiver General of Droits of Admiralty, under the Act of the session of the tenth and eleventh years of the reign of Her present Majesty, chapter ninety-nine, shall hold their offices only during the pleasure of the Board of Trade. They shall possess in the several districts within which they have before the commencement of this Act exercised their duties the same powers, rights, and privileges, and perform the same duties, as are by the Merchant Shipping Code, 1870, vested in and committed to receivers of wreck appointed under the provisions of the said code, save only that they shall not be entitled to take the command in cases of ships or boats stranded or in distress, unless authorized so to do by the Board of Trade.

There shall be payable to such receivers such fees and other remuneration as are by the Merchant Shipping Code (Wreck and Salvage Act), 1870, made payable to receivers appointed under the provisions of that Act, and payment thereof shall be made by the same persons and in the same manner, and shall be capable of being enforced by the same means, as payment of the fees or other remuneration payable to the receivers appointed under the provisions of the said Act, or as near thereto as circumstances permit; and all fees or other remuneration received by any such receiver may be applied by him to his own use; and, save as aforesaid, and saving also any expenses actually and properly incurred, no such receiver shall be entitled to demand or receive from any person any fees or other sums in respect of any service performed by him as receiver.

FIRST SCHEDULE.

ACTS REPEALED.

A description or citation of a portion of an Act is inclusive of the words section or other part, first or last mentioned or otherwise referred to, or forming the beginning or as forming the end of the portion comprised in the description or citation.

Year and Chapter.	Title.	Extent of Repeal.
4 Edw. 1. stat. 2. -	Of what things a coroner shall inquire -	So much as relates to wreck.
Prerog. Reg. Stat. temp. incert.* c. 9.	His prerogative in having the wreck of the Sea Whales and Sturgeons.	The whole Act.
28 Hen. 8. c. 15.	For pirates - - - -	The whole Act.
34 & 35 Hen. 8. c. 9.	An Act for the preservation of the River Severn.	Section six.
11, 12, & 13 Ja. 1. c. 2. (in the parliament of Ireland).	An Act for punishing of pirates and robbers on the sea.	The whole Act.
22 & 23 Chas. 2. c. 11.	An Act to prevent the delivery up of merchant ships, and for the increase of good and serviceable shipping.	The whole Act.
11 & 12 Wm. 3. c. 7.	An Act for the more effectual suppression of piracy.	The whole Act, except sections eight, nine, and ten.
4 Geo. 1. c. 11.	An Act for the further preventing robbery, burglary, and other felonies, and for the more effectual transportations of felons and unlawful exporters of wool ; and for declaring the law upon some points relating to pirates.	The whole Act.
8 Geo. 1. c. 24.	An Act for the more effectual suppressing of piracy.	The whole Act, except sections one to three.
18 Geo. 2. c. 30.	An Act to amend an Act made in the eleventh year of the reign of King William the Third, intituled An Act for the more effectual suppression of piracy.	The whole Act, except sections one to three.

* 17 Edw. 2. stat. 1. c. 11. in Ruffhead.

Year and Chapter.	Title.	Extent of Repeal.
10 Geo. 2. c. 22.	An Act for the better preservation of havens, roads, channels, and navigable rivers within that part of Great Britain called England.	The whole Act.
12 Geo. 3. c. 20.	An Act for the more effectual proceeding against persons standing mute on their arraignment for felony or piracy.	So much as relates to piracy.
12 Geo. 3. c. 24.	An Act for the better securing and preserving His Majesty's dockyards, magazines, ships, ammunition, and stores.	The whole Act.
13 & 14 Geo. 3. c. 16. (in the parliament of Ireland).	An Act for the more effectual proceeding against persons standing mute on their arraignment for murder, felony, or piracy.	So much as relates to piracy.
15 Geo. 3. c. 31.	An Act for the encouragement of the fisheries carried on from Great Britain, Ireland, and the British dominions in Europe, and for securing the return of the fishermen, sailors, and others employed in the said fisheries to the ports thereof at the end of the fishing season.	The whole Act.
22 Geo. 3. c. 82.	An Act for enabling His Majesty to discharge the debt contracted upon his civil list revenues, and for preventing the same from being in arrear for the future by regulating the mode of payments out of the said revenues, and by suppressing or regulating certain offices therein mentioned which are now paid out of the revenues of the civil list.	Section fifteen.
23 & 24 Geo. 3. c. 14. (in the parliament of Ireland).	An Act for regulating the High Court of Admiralty in this kingdom.	Section four.
26 Geo. 3. c. 19. (of the parliament of Ireland).	An Act for promoting the trade of Dublin by rendering its port and harbour more commodious.	Sections one to fifteen.
26 Geo. 3. c. 26.	An Act to amend and render more effectual the several laws now in force for encouraging the fisheries carried on at Newfoundland and parts adjacent, from Great Britain and Ireland and the British Dominions in Europe, and for granting bounties for a limited time on certain terms and conditions.	The whole Act.

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Year and Chapter.	Title.	Extent of Repeal.
28 Geo. 3. c. 35.	An Act to enable His Majesty to make such regulations as may be necessary to prevent the inconvenience which might arise from the competition of His Majesty's subjects and those of the most Christian King in carrying on the fishery on the coast of the Island of Newfoundland.	The whole Act.
29 Geo. 3. c. 46.	An Act for preventing the wilfully burning or destroying ships, and the wilfully and maliciously destroying any woollen, silk, linen, or cotton goods, or any implements prepared for or used in the manufacture thereof, in that part of Great Britain called Scotland.	Section one.
33 Geo. 3. c. 67.	An Act for better preventing offences in obstructing, destroying, or damaging ships or other vessels, and in obstructing seamen, keelmen, casters, and ship carpenters from pursuing their lawful occupation.	The whole Act.
39 Geo. 3. c. 37.	An Act for remedying certain defects in the law respecting offences committed upon the high seas.	The whole Act.
41 Geo. 3. c. 19.	An Act the title of which begins with the words "An Act for reviving" and ends with the words "their lawful occupations."	The whole Act.
46 Geo. 3. c. 54.	An Act for the more speedy trial of offences committed in distant parts upon the sea.	The whole Act.
46 Geo. 3. c. 153.	An Act for the preservation of the publick harbours of the United Kingdom.	The whole Act.
50 Geo. 3. c. 108.	An Act to amend and enlarge the powers of an Act passed in the second year of His present Majesty, for the encouragement of the fisheries of the Kingdom and the protection of the persons employed therein.	The whole Act.
51 Geo. 3. c. 45.	An Act for taking away the public use of certain ships rooms in the town of St. John in the island of Newfoundland, and for instituting surrogate courts on the coast of Labrador, and in certain islands adjacent thereto.	The whole Act.

Year and Chapter.	Title.	Extent of Repeal.
51 Geo. 3. c. 47.	An Act for carrying into effect the provisions of the treaty of amity, commerce, and navigation concluded between His Majesty and his Royal Highness the Prince Regent of Portugal.	The whole Act.
52 Geo. 3. c. 39.	An Act for the more effectual regulation of pilots and of the pilotage of ships and vessels on the coast of England.	The whole Act.
54 Geo. 3. c. 159.	An Act for the better regulation of the several ports, harbours, roadsteads, sounds, channels, bays, and navigable rivers in the United Kingdom; and of His Majesty's docks, dockyards, arsenals, wharfs, moorings, and stores therein; and for repealing several Acts passed for that purpose.	The whole Act.
57 Geo. 3. c. 53.	An Act for the more effectual punishment of murders and manslaughters committed in places not within His Majesty's Dominions.	The whole Act, but *Qu.*
59 Geo. 3. c. 54.	An Act to carry into effect a convention of commerce concluded between His Majesty and the United States of America, and a treaty with the Prince Regent of Portugal.	The whole Act.
4 Geo. 4. c. 77.	An Act to authorize His Majesty, under certain circumstances, to regulate the duties and drawbacks on goods imported or exported in foreign vessels, and to exempt certain foreign vessels from pilotage.	The whole Act.
6 Geo. 4. c. 125.	An Act for the amendment of the law respecting Pilots and Pilotage, and also for the better preservation of floating lights, buoys, and beacons.	The whole Act.
7 Geo. 4. c. 5.	An Act to give effect to treaties of commerce with countries in America not at present provided with national Merchant Shipping.	The whole Act.
7 Geo. 4. c. 32.	An Act to amend an Act for suppressing or regulating certain offices therein mentioned, so far as relates to the Board of Trade.	The whole Act.
9 Geo. 4. c. 37.	An Act to amend an Act of the first and second years of His present Majesty, for preventing depredations within the jurisdiction of the Cinque Ports, and for the adjustment of salvage, and for giving further powers to the deputy warden of the Cinque Ports and lieutenant of Dover Castle.	The whole Act.

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Year and Chapter.	Title.	Extent of Repeal.
10 Geo. 4. c. 26.	An Act for transferring the management of Greenwich out-pensions, and certain duties in matters of prize, to the treasurer of the Navy.	Sections twenty-three, twenty-four, and twenty-seven.
4 & 5 Will. 4. c. 36.	An Act for establishing a new court for the trial of offences committed in the metropolis and parts adjoining.	Section twenty-two.
6 & 7 Will. 4. c. 11.	An Act for the registration of aliens, aud to repeal an Act passed in the 7th year of the reign of His late Majesty for that purpose.	The whole Act.
6 & 7 Will. 4. c. 86.	An Act for registering births, deaths, and marriages in England and Wales.	Sections twenty-one and twenty-six.
7 Will. 4. and 1 Vict. c. 88.	An Act to amend certain Acts relating to the crime of piracy.	The whole Act, except sections two to five.
3 & 4 Vict. c. 95.	An Act the title of which begins with the words "An Act to enable" and ends with the words "ports of such states."	The whole Act.
5 & 6 Vict. c. 14.	An Act to amend the law for the importation of corn.	The whole Act, except so much of section nine and sections twelve to forty-four as is unrepealed
5 & 6 Vict. c. 28.	An Act to assimilate the law in Ireland as to the punishment of death to the law in England, to abolish the punishment of death in certain cases in Ireland, and to substitute other punishments in lieu thereof.	Sections two and sixteen.
7 & 8 Vict. c. 2.	An Act for the more speedy trial of offences committed on the High Seas.	The whole Act.
8 & 9 Vict. c. 20.	An Act for consolidating in one Act certain provisions usually inserted in Acts authorizing the making of railways.	Section seventeen, and so much of any Act as incorporates that section.
8 & 9 Vict. c. 33.	An Act for consolidating in one Act certain provisions usually inserted in Acts authorizing the making of railways in Scotland.	Section seventeen, and so much of any Act as incorporates that section.
8 & 9 Vict. c. 90.	An Act for granting duties of customs.	The whole Act.
10 & 11 Vict. c. 27.	An Act for consolidating in one Act certain provisions usually contained in Acts authorizing the making and improving of harbours, docks, and piers.	The whole Act.

Year and Chapter.	Title.	Extent of Repeal.
12 & 13 Vict. c. 96.	An Act to provide for the prosecution and trial in Her Majesty's colonies of offences committed within the jurisdiction of the Admiralty.	The whole Act.
14 & 15 Vict. c. 49.	An Act to repeal an Act of the eleventh and twelfth years of Her present Majesty, for making preliminary inquiries in certain cases of applications for Local Acts, and to make other provisions in lieu thereof.	The whole Act.
14 & 15 Vict. c. 64.	An Act to repeal the Act for constituting the Commissioners of Railways.	The whole Act.
14 & 15 Vict. c. 99.	An Act to amend the law of evidence.	Section twelve.
15 & 16 Vict. c. 47.	An Act to enable Her Majesty to abolish, otherwise than by treaty, on condition of reciprocity, differential dues on foreign ships.	The whole Act.
16 & 17 Vict. c. 107.	An Act to amend and consolidate the laws relating to the customs of the United Kingdom and the Isle of Man, and certain laws relating to trade and navigation and the British possessions.	Sections one hundred and seventy-three and one hundred and ninety, and sections three hundred and twenty-four to three hundred and thirty-one.
16 & 17 Vict. c. 131.	An Act to amend various laws relating to merchant shipping.	The whole Act.
17 & 18 Vict. c. 104.	An Act to amend and consolidate the Act relating to merchant shipping.	The whole Act.
17 & 18 Vict. c. 120.	An Act to repeal certain Acts and parts of Acts relating to merchant shipping, and to continue certain provisions in the said Acts.	The whole Act.
18 & 19 Vict. c. 91.	An Act to facilitate the erection and maintenance of colonial lighthouses and otherwise to amend the Merchant Shipping Act, 1854.	The whole Act.
18 & 19 Vict. c. 96.	An Act to consolidate certain Acts and otherwise amend the laws of the customs, and an Act to regulate the office of the receipt of Her Majesty's Exchequer at Westminster.	Sections thirteen to sixteen.
18 & 19 Vict. c. 111.	An Act to amend the law relating to bills of lading.	The whole Act.

Year and Chapter.	Title.	Extent of Repeal.
19 & 20 Vict. c. 41.	An Act to make further provisions for the establishment of savings banks for seamen.	The whole Act.
20 & 21 Vict. c. 62.	An Act for the alteration and amendment of the laws and duties of customs.	Section seventeen.
23 & 24 Vict. c. 88.	An Act to extend certain provisions for Admiralty jurisdiction in the colonies to Her Majesty's territories in India.	The whole Act, except section two.
23 & 24 Vict. c. 126.	An Act for the further amendment of the process, practice, and mode of pleading in and enlarging the jurisdiction of the superior courts of common law at Westminster.	Section thirty-five.
24 & 25 Vict. c. 10.	An Act to extend the jurisdiction and improve the practice of the High Court of Admiralty.	Sections nine, eleven to thirteen, and twenty-four.
24 & 25 Vict. c. 45.	An Act to facilitate the formation, management, and maintenance of piers and harbours in Great Britain and Ireland.	The whole Act.
24 & 25 Vict. c. 47.	An Act to facilitate the construction and improvement of harbours by authorizing loans to harbour authorities, to abolish passing tolls, and for other purposes.	The whole Act, except sections twenty-two to sixty-three.
24 & 25 Vict. c. 94.	An Act to consolidate and amend the Statute Law of England and Ireland relating to accessories to and abettors of indictable offences.	Section nine.
24 & 25 Vict. c. 96.	An Act to consolidate and amend the Statute Law of England and Ireland relating to larceny and other similar offences.	Sections sixty-four to sixty-six and one hundred and fifteen.
24 & 25 Vict. c. 97.	An Act to consolidate and amend the Statute Law of England and Ireland relating to malicious injuries to property.	Sections forty-two to forty-four, forty-six to forty-nine, and seventy-two, and so much of section forty-five as relates to any ship or vessel, or any goods therein.
24 & 25 Vict. c. 98.	An Act to consolidate and amend the Statute Law of England and Ireland relating to indictable offences by forgery.	Section fifty.

Year and Chapter.	Title.	Extent of Repeal.
24 & 25 Vict. c. 99.	An Act to consolidate and amend the Statute Law of the United Kingdom against offences relating to the coin.	Section thirty-six.
24 & 25 Vict. c. 100.	An Act to consolidate and amend the Statute Law of England and Ireland relating to offences against the person.	So much of section ten as relates to an offence committed at sea or within Admiralty jurisdiction, and sections thirteen, seventeen, thirty-seven, forty, and sixty-eight.
25 & 26 Vict. c. 19.	An Act to amend the General Pier and Harbour Act, 1861.	The whole Act.
25 & 26 Vict. c. 63.	An Act to amend "The Merchant Shipping Act, 1854," "The Merchant Shipping Act Amendment Act, 1855," and "The Customs Consolidation Act, 1853."	The whole Act.
25 & 26 Vict. c. 69.	An Act for transferring from the Admiralty to the Board of Trade certain powers and duties relative to harbours and navigation under local and other Acts, and for other purposes.	The whole Act.
26 & 27 Vict. c. 11.	An Act for the registration of births and deaths in Ireland.	Sections thirty-nine and forty.
26 & 27 Vict. c. 92.	An Act for consolidating in one Act certain provisions frequently inserted in Acts relating to railways.	Sections thirteen to nineteen, and so much of any Act as incorporates the same.
29 & 30 Vict. c. 30.	An Act to amend The Harbours and Passing Tolls, &c. Act, 1861.	The whole Act.
30 & 31 Vict. c. 15.	An Act for the abolition of certain exemptions from local dues on shipping and on goods carried in ships.	The whole Act.
30 & 31 Vict. c. 72.	An Act for abolishing the office of vice-president of the Board of Trade and substituting a secretary with a seat in Parliament.	The whole Act.
30 & 31 Vict. c. 124.	An Act to amend the Merchant Shipping.	The whole Act.
30 & 31 Vict. c. lxxxi.	An Act to alter the constitution of the corporation for preserving and improving the Port of Dublin, and for other purposes connected with that body and with the Port of Dublin corporation.	Section three, and so much of section two as relates to the Commissioners of Irish lights.

Year and Chapter.	Title.	Extent of Repeal.
31 & 32 Vict. c. 119.	An Act to amend the law relating to railways.	Section thirty-nine from the words "if purporting" down to the words "made by the "Board of Trade "they."
31 & 32 Vict. c. 129.	An Act to amend the law relating to the registration of ships in British possessions.	The whole Act.
32 & 33 Vict. c. 11.	An Act for amending the law relating to the coasting trade and merchant shipping in British possessions.	The whole Act.
32 & 33 Vict. c. 52.	An Act for the amendment of "The Shipping Dues Exemption Act, 1867."	The whole Act.

SECOND SCHEDULE.

Harbours.	Enactments.
Holyhead Harbour and the Harbour of refuge at or near Holyhead.	17 & 18 Vict. c. 44.
Portpatrick Harbour - -	1 Geo. 4. c. 112. ss. eight and nine (except so much as relates to the signing of contracts), ten to twenty-two (both inclusive), twenty-eight, thirty, thirty-one, and thirty-two. 24 & 25 Vict. c. 106.

Merchant Shipping, &c. Acts Repeal.

A

B I L L

To repeal divers Acts relating to Merchant Shipping, Navigation, and the Board of Trade.

(*Prepared and brought in by Mr. Shaw Lefevre and Mr. Stansfeld.*)

Ordered, by The House of Commons, *to be Printed*, 1 *March* 1870.

[Bill 55.]

Under 2 *oz.*

A

B I L L

FOR

Making further provision respecting the borrowing of money by the Metropolitan Board of Works. A.D. 1870.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short titles and construction.

1. This Act may be cited as The Metropolitan Board of Works (Loans) Act, 1870, and shall have effect as one Act with The Metropolitan Board of Works (Loans) Act, 1869, in this Act referred to as the principal Act; and the principal Act and this Act may be cited together as The Metropolitan Board of Works (Loans) Acts, 1869 and 1870.

Composition for stamp on transfers of existing stock.

2. By way of composition for stamp duty chargeable on transfers of metropolitan consolidated stock issued before the passing of this Act, the Metropolitan Board of Works shall, within seven days after the passing of this Act, pay to the Commissioners of Inland Revenue the sum of nine thousand eight hundred and ninety-five pounds two shillings and sixpence.

Composition for stamp on transfers of future stock.

3. By way of composition for stamp duty chargeable on transfers of metropolitan consolidated stock from time to time issued after the passing of this Act, the Metropolitan Board of Works shall within seven days after issuing any such stock, pay to the Commissioners of Inland Revenue a sum calculated at the rate of *seven shillings and sixpence* for every full sum of one hundred pounds of stock issued, and also for every fractional part of one hundred pounds of stock issued to any holder.

Composition for stamp on transfers of terminable annuities.

4. By way of composition for stamp duty chargeable on metropolitan annuities from time to time granted after the passing of this Act, the Metropolitan Board of Works shall, within seven days after granting any such annuity, pay to the Commissioners of Inland Revenue a sum calculated at the rate of *seven shillings and sixpence* for

A.D. 1870.

every full sum of one hundred pounds, and also for any fractional part of one hundred pounds, of the value of the annuity, which value shall be computed in such manner as the Treasury from time to time direct.

Exemption of transfers from stamp.

5. In consideration of the provisions for composition in this Act contained, transfers of metropolitan consolidated stock issued or to be issued, and stock certificates in respect thereof, and transfers of metropolitan annuities, are hereby, notwithstanding anything in the principal Act, exempted from stamp duty.

Payment of composition, and recovery thereof.

6. All sums payable by the Metropolitan Board of Works under this Act by way of composition for stamp duty shall be paid out of money raised or to be raised by the issuing of metropolitan consolidated stock, or by the granting of metropolitan annuities; and the same shall be recoverable as stamp duties.

Amendment of section 11. of former Act.

7. Section eleven of the principal Act shall have effect as if in paragraph (1.) thereof "transferor" were substituted for "transferee."

Alteration of reference as to stock certificates.

8. In the event of any Act being passed in the present session of Parliament containing provisions in substitution for The Stock Certificate Act, 1863, section sixteen of the principal Act shall have effect as if the substituted provisions were referred to in that section in lieu of The Stock Certificate Act, 1863.

Metropolitan Board of Works (Loans).

A

BILL

For making further provision respecting the borrowing of money by the Metropolitan Board of Works.

(*Prepared and brought in by Mr. Dodson, Mr. Chancellor of the Exchequer, and Mr. Stansfeld.*)

Ordered, by The House of Commons, *to be Printed,* 23 *May* 1870.

[Bill 132.]

Under 1 *oz.*

Metropolitan Buildings and Management Bill.

ARRANGEMENT OF CLAUSES.

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	29.	New and old buildings, what - -	8.
	30.	Application of Act to what buildings -	7.
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	36.	Limitation on height of warehouses, &c. -	
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Pages.	Clauses.		Corresponding former Provisions. (The references are to the Sections, &c. of the Building Act of 1855, 18 & 19 Vict. c. 122, unless otherwise expressed.)
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20		VIII.—Fire-resisting Buildings.	
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32		XVII.—Sewers and Drains.	
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	119.	Rules for service of notices, &c. - -	98.
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	127.	Building leases made before Act - -	10 & 11 Vict. c. 34. s. 155.
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38		THE FIRST SCHEDULE. *Enactments repealed.*	
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57		THE SEVENTH SCHEDULE. *Light and Ventilation.*	
58		THE EIGHTH SCHEDULE. *Party Structures.*	
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Pages.	Clauses.		Corresponding former Provisions. (The references are to the Sections, &c. of the Building Act of 1855, 18 & 19 Vict. c. 122, unless otherwise expressed.)
65		THE FOURTEENTH SCHEDULE. *Formation of Streets.*	
67		THE FIFTEENTH SCHEDULE. *Buildings in Streets.*	
68		THE SIXTEENTH SCHEDULE. *Expenses of Owners.*	
68		THE SEVENTEENTH SCHEDULE. *Service of Documents.*	

A

B I L L

TO

Consolidate and amend the Building Acts relating to the Metropolis; the formation of Streets and of Sewers and Drains in the Metropolis; and for other purposes relating thereto. A.D. 1870.

[*The references in brackets* [ ] *in the margin are to the corresponding sections, &c. of the Building Act of* 1855, 18 *&* 19 *Vict. c.* 122., *unless otherwise expressed.*]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

I.—Preliminary.

Short title. [1.]

1. This Act may be cited as The Metropolitan Buildings and Management Act, 1870.

Commencement. [2.]

2. Except as in this Act otherwise provided, this Act shall commence from and immediately after the *thirtieth* day of *September one thousand eight hundred and seventy* (which period is in this Act referred to as the commencement of this Act).

Repeal of enactments. [109.] (*Sched.* I., *page* 38.)

3. The enactments described in the first schedule to this Act are hereby repealed; but this repeal shall not affect the past operation of any of those enactments, or the force or operation of any byelaw, order, regulation, or instruction made or given, or the validity or invalidity of anything done or suffered, or any right, title, obligation, or liability accrued, before the commencement of this Act; nor shall this Act interfere with the prosecution or institution of any proceeding in respect of any right, title, obligation, or liability accrued under, or any offence committed against, or any penalty or forfeiture incurred under, any of those enactments,

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before the commencement of this Act; and every such proceeding instituted before the commencement of this Act may be carried on as if this Act had not been passed; and any such proceeding instituted after the commencement of this Act under The Metropolitan Building Act, 1855, shall be instituted and prosecuted according to the procedure prescribed by this Act, but in other respects as if this Act had not been passed.

Limits of Act.

[4.]

18 & 19 Vict. c. 120.

4. This Act shall extend to all places being at the commencement of this Act within the limits of the metropolis as defined by The Metropolis Management Act, 1855, and to all other places to which that Act is at any time extended by Order of Her Majesty in Council, unless the extending Order expressly excepts the same, or any of them, from the operation of this Act; and the limits described in this section shall be deemed the limits of this Act.

Interpretation.

[3.]

5. In this Act—

1. "Building" includes every erection comprising a cubical space defined by walls, piers, posts, or other structures, and a roof or other covering, whether such erection is wholly inclosed or not, and whether it is fixed on permanent foundations or not, and of whatever materials it is constructed, and for whatever purpose it is used, or constructed, or adapted, (but so that this interpretation be not construed so as to exclude from the application of the term building as used in this Act any erection that would have been determined to be a building according to the true construction of this Act if this interpretation had not been inserted in this Act):

[69.]

2. "Structure" includes any wall or other erection, and anything affixed to or projecting from any building, wall, or other erection:

3. "Foundation" applied to a wall means the solid ground or artificially formed support on which the footings of the wall rest:

4. "Base" applied to a wall means the course immediately above the footings:

[Sched. I. Prelim. 5.]

5. "Storey" means the space between the under surface of a floor and the under surface of the floor next above it, or of the tie of the roof if there is no floor above, or up to half the vertical height of the rafters if the roof has no tie; but does not include any space of a less height than *five feet* above the tie of the roof or under the basement or lowest floor:

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6. "Topmost storey" means the uppermost storey in a building, whether constructed wholly or partly in the roof or not, and whether inhabited or constructed or adapted to be inhabited or not:

7. "Party wall" means a wall used or constructed or adapted to be used in any part of its height as a separation of buildings belonging to different owners or occupied or constructed or adapted to be occupied by different persons, or a wall standing (to a greater extent than the projection of the footings on one side) on grounds of different owners; and every such wall shall be deemed a party wall throughout its whole height:

8. "External wall" means an outer wall or vertical inclosure of a building not being a party wall:

9. "Cross wall" means a wall used or constructed or adapted to be used in any part of its height as a separation of one part from another part of the same building, that building being or being constructed or adapted to be wholly in the occupation of one person; and every such wall shall be deemed a cross wall throughout its whole height:

10. "Party fence wall" means a wall used or constructed or adapted to be used as a means of separation of the grounds of different owners, and standing (to a greater extent than the projection of the footings on one side) on grounds of different owners, and not forming part of the inclosure of any building:

11. "Party arch" means an arch separating buildings, storeys, or rooms belonging to different owners, or occupied or constructed or adapted to be occupied by different persons, or separating rooms from public or private ways:

12. "Party structure" includes a party wall, a party fence wall, a party arch, and a partition, floor, or other structure separating buildings, storeys, or rooms belonging to different owners or approached by distinct staircases or separate entrances from without:

13. "Area" applied to a building means the superficies of a horizontal section thereof, made at the point of greatest surface, inclusive of the external walls and of such portions of the party walls as belong to the building:

14. "Square" applied to an area of building means the space of one hundred superficial feet:

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15. "Cubical contents" applied to a building means its area multiplied by its height measured from the surface of the lowest floor up to *one-half* of the height of the roof, as the building stands at the time of measurement, or as it stood before being wholly or in part taken down, burnt, or destroyed (as the case may be):

16. "Public building" includes any building used or constructed or adapted to be used either ordinarily or occasionally as a church, chapel, or place of public worship, or for purposes of public instruction, or as a college, hospital, workhouse, public theatre, public hall, public concert room, public ball room, public lecture room, or public exhibition room, or as a public place of assembly for persons admitted thereto with a view to gain (by tickets sold or otherwise), or used or constructed or adapted to be used either ordinarily or occasionally for any other public purpose:

17. "Building of the warehouse class" includes a warehouse, manufactory, brewery, or distillery:

18. "Domestic building" includes a dwelling house, and any office-building or other outbuilding appurtenant to a dwelling house, whether attached thereto or not, and any building not being a public building and not being a building of the warehouse class:

19. "Business" includes any manufacture or trade, wholesale or retail, and the business of hotel-keeping, and every other occupation or calling of any kind having gain for its object:

[18 & 19 Vict. c. 120. s. 250.—25 & 26 Vict. c. 102. s. 112.]

20. "Street" includes that portion of unincumbered surface of ground which is set apart for municipal purposes, and regulated by law for the public accommodation of carriage or foot traffic, wholly or partially, and at or near to the sides or side of which houses or buildings are or may be built singly, or in combination, or in rows, for the habitation or use of two or more families or persons, and also includes road, highway (except the carriageway of a turnpike road), public bridge (not being a county bridge), lane, footway, square, mews, court, alley, or passage (whether a thoroughfare or not), and any part thereof:

21. "New street" includes a street the maintenance of the paving and roadway whereof had not before the seventh day of August one thousand eight hundred and sixty-two

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[Ibid.]

been taken into charge and assumed by the authorities having the control of pavements or highways in the parish or place in which the street is situate, and a street that is at the commencement of this Act only partially formed or laid out, whether in actual use or not, and any part of any such street:

22. Terms relating to paving apply also to the forming, by macadamization or in any other manner, of the roadway or footway of a street:

23. "Parish" includes any parochial district or extra-parochial place in which separate churchwardens, overseers, or constables are or may be appointed; and where two parishes have been united for ecclesiastical purposes then that term includes such united parishes:

24. "Owner" includes every person in possession or in receipt either of the whole or of any part of the rents or profits of any building or ground, or in the occupation of such building or ground otherwise than as tenant from year to year or for a less term or at will:

[82.]

25. "Building owner" means such one of the owners of buildings, storeys, or rooms separated by a party structure as executes or is desirous of executing any work affecting such party structure:

[Ibid.]

26. "Adjoining owner" means the owner or one of the owners of another of those buildings, storeys, or rooms:

27. "Builder" means the master builder who is employed to construct or execute or who actually constructs or executes any building or structure or any work on a building or structure:

28. "Fire-resisting material" includes the materials and things described in the second schedule to this Act:

(*Sched.* II., *page* 38.)

29. "Authorized," applied to a building or structure or part thereof, means being in conformity with this Act or such other Act or Acts (if any) relative to metropolitan buildings as was or were in force at the time of the erection or construction thereof:

30. "Unauthorized," applied as aforesaid, means not so authorized:

31. "Person" includes a body corporate:

32. "Magistrate" means a magistrate of the police courts of the metropolis:

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33. "The Metropolis Management Acts" means The Metropolis Management Act, 1855, and the Acts amending the same:

34. "The Secretary of State" means one of Her Majesty's Principal Secretaries of State:

35. "The board" means the Metropolitan Board of Works:

[70.] 36. "The city" means the city of London and the liberties thereof:

[70.] 37. "The commissioners of sewers" means the commissioners of sewers of the city.

A room in which any person passes the night shall be deemed inhabited, and a room with respect to which there is a probable presumption that some person passes the night therein shall, until the contrary is shown, be deemed inhabited.

Locality of jurisdiction, &c. [3.]

6. Where in this Act the title of an officer having in respect of his office local jurisdiction or authority is referred to without mention of the place or district to which the jurisdiction or authority extends, the reference shall be understood to indicate the officer having jurisdiction or authority where the building or thing (or any part thereof) to which the reference relates is situate or where the matter requiring the cognizance or intervention of such officer arises.

Effect of schedules.

7. The schedules to this Act shall be deemed part of this Act.

II.—Officers and General Powers of Metropolitan Board of Works.

Superintending Architect.

Appointment of superintending architect. [58, 62, 63, 64, 66.]

8. There shall be an officer, called the superintending architect of metropolitan buildings (in this Act referred to as the superintending architect), who shall be appointed and removable by the board, and shall perform such duties under this Act and account to the board for his receipts in such manner and receive such salary as the board from time to time direct.

The person holding that office at the commencement of this Act shall continue to hold the same as if this Act had not been passed.

The superintending architect shall not, without permission of the board, practise as an architect or surveyor.

Except as otherwise expressly provided in this Act, any approval or other document issued by the board under this Act may be signed by the superintending architect, and countersigned by the

chairman of the board or other officer appointed in that behalf by the board; and every such document purporting to be so signed and countersigned shall be deemed sufficiently authenticated for all purposes of this Act.

If at any time the superintending architect is temporarily prevented by illness, infirmity, or other unavoidable circumstance from performing his duties, the board may appoint some person as his deputy to perform those duties while he is so prevented from performing them in person.

A deputy so appointed shall have all the powers of the superintending architect, and the provisions of this Act relative to the superintending architect shall apply to any such deputy.

District Surveyors.

Existing districts continued. [32.]

9. The places which at the commencement of this Act are districts for the purposes of metropolitan buildings shall (subject to the provisions of this Act) continue to be districts for those purposes and for all purposes of this Act.

District surveyors appointed and continued. [32.]

10. There shall be officers for the execution of this Act, called district surveyors; and one at least of such officers shall be from time to time appointed for each district; and the several persons who at the commencement of this Act are district surveyors for the purposes of metropolitan buildings shall (subject to the provisions of this Act) continue to be district surveyors under this Act, for the respective districts for which they then act.

Power for alteration of districts. [32.]

11. The board may from time to time alter the limits of any district, or unite any two or more districts together, and may in any such case place any altered district under the supervision of any district surveyor for the time being, and may from time to time alter any district so made, and make such compensation as they think just to any district surveyor deprived of his office, or prejudicially affected in respect thereof, by reason of the exercise of any of the powers of this section, and do all matters and things necessary or proper for carrying into effect the purposes of this section.

Dismissal, &c. of district surveyor. [32.]

12. The board may dismiss or suspend any district surveyor for incompetence or neglect of duty or other sufficient reason stated in their order, and in case of suspension may appoint a temporary substitute for the person suspended; provided that they may not dismiss or suspend any district surveyor in office at the commencement of this Act but not appointed by them, except with the approval of the Secretary of State.

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Vacancies among district surveyors. [32.]

13. On any vacancy occurring in the office of district surveyor, the board may appoint another qualified person in place of the person vacating office, or may, if they think fit, appoint, as a temporary substitute for him, a person having the qualifications of a district surveyor.

Examination by institute of British Architects. [33.]

14. The Royal Institute of British Architects may from time to time cause to be examined, by such members of their body or other persons and in such manner as they think fit, persons showing themselves to have received an education fitting them to be architects or surveyors, and presenting themselves for examination respecting their competency to perform the duties of district surveyor, and shall grant certificates of competency to persons found deserving thereof on such examination; and they may demand and take for their own use from persons so presenting themselves for examination and from persons to whom certificates are so granted such fees as the Secretary of State from time to time approves.

Qualification of district surveyor. [33.]

15. No person shall be qualified to be appointed district surveyor except a person who is a district surveyor at the commencement of this Act, or has obtained a certificate of competency in pursuance of any Act prior to this Act, or from the Royal Institute of British Architects under this Act, or has been examined in such other manner as the board from time to time direct, and been found competent in such examination.

Office of district surveyor. [34.]

16. Every district surveyor shall have and maintain at his own expense an office in such part of his district as the board approve.

Power for district surveyor to appoint deputy. [35.]

17. If a district surveyor is prevented by illness, infirmity, or otherwise from performing his duties, he may, with the consent of the board, appoint some person having the qualifications of a district surveyor and approved by the board as his deputy, to perform those duties while he is so prevented from performing them in person.

A deputy so appointed shall have all the powers of a district surveyor, and the provisions of this Act relative to a district surveyor shall apply to any such deputy.

Power to appoint assistant district surveyor. [36.]

18. The board may from time to time appoint a competent person having the qualifications of a district surveyor to be assistant district surveyor for a district, if in any case it appears to the board that there are sufficient grounds for so doing.

An assistant district surveyor shall assist the district surveyor for the district in the performance of his duties generally or of such

parts or part thereof as the board, on making his appointment or afterwards, from time to time direct.

An assistant district surveyor shall be entitled to have for his own benefit the fees payable in respect of the services performed by him, or such part thereof as the board think a proper remuneration for his services, or may be paid by salary of such amount as the board think fit, the fees so payable being accounted for to the board.

An assistant district surveyor shall have all the powers of a district surveyor within the limits of his employment, and the provisions of this Act relative to a district surveyor shall apply to an assistant district surveyor.

District surveyor, &c. not to act in certain cases. [37.]

19. If a building is erected or any work done to, in, or on a building by or under the superintendence of a district surveyor or deputy or assistant district surveyor acting professionally or on his own private account, or under the superintendence of any person wholly or partly in his employment or in partnership with him, it shall not be lawful for him to survey or in any manner act officially in relation to the same building or work for the purposes of this Act, but he shall give notice of the facts to the board, who shall then appoint some other person having the qualifications of a district surveyor to act in his stead, with remuneration of such amount and to be paid in such manner as the board direct.

Fees and Salaries.

Collection of fees. [49, 50, 51, 78.]

20. There shall be paid to or collected by the superintending architect and the district surveyors fees of such amount, for such duties, at such times, by or from such persons, and subject to such conditions and regulations as the board from time to time by bye-law, with the approval of the Secretary of State, direct.

Recovery of fees. [51.]

21. If any builder, owner, occupier, or other person who ought to pay any fee under this Act fails to duly pay the same, it may be recovered in a summary way before a magistrate, on its being shown to the satisfaction of the magistrate that a proper bill, specifying the amount of the fee claimed, was served on him.

Compensation in case of reduction. [49.]

22. If, in consequence of a reduction being made by the board in the amount of the fees payable before the commencement of this Act to district surveyors for their own use, the income of any district surveyor then in office is diminished, the board shall make to him such compensation in respect thereof as they think just, unless by the terms of his appointment he is precluded from claiming compensation.

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Power for board to pay district surveyors wholly or partly by salary. [65, 67.]

23. The board may at any time change the remuneration of a district surveyor (appointed before or after the commencement of this Act) who receives fees for his own use into a salary of such amount as they think fit, being not less than his annual income from fees on an average of the *three* years then last past, or provide for the remuneration of a district surveyor (appointed before or after the commencement of this Act) partly by salary and partly by fees, but so that his total annual income be not less than his annual income from fees on the like average.

A district surveyor paid wholly or partly by salary shall account for all or any of the fees collected by him, as the board from time to time direct.

Clerks and Servants.

Employment of clerks, &c. [62, 64, 114.]

24. The board may continue and from time to time appoint and employ such clerks and servants as they think necessary for the purposes of this Act, at such remuneration as they think fit.

Notwithstanding anything in this Act, any person who, in pursuance of any enactment repealed by this Act, is at the commencement of this Act employed by the board, shall continue entitled to be so employed, with full enjoyment of any compensation awarded to him under any such enactment, and generally on the same terms and conditions as if this Act had not been passed.

Forms.

Forms of notices, &c. [59.]

25. The board may from time to time prepare or approve forms of notices and other documents required by this Act.

Every such form shall be sealed with the seal of the board, or be marked with a representation of such seal; and any form purporting to be so sealed or marked shall be presumed to have been prepared or approved by the board, until the contrary is shown.

Any notice or document made in a form prepared or approved by the board shall in all proceedings and for all purposes be (as regards the form thereof) sufficient in law.

Expenses.

Expenses of execution of Act. [67, 68.]

26. The expenses of the board in the execution of this Act shall be deemed expenses of the board in the execution of the Metropolis Management Acts, and shall be defrayed accordingly.

III.—Buildings in general.

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Buildings to be separated. [27. § 7.]

27. Every building shall be separated by an external wall or a party wall from the adjoining building, or from each of the adjoining buildings (if more than one).

Chambers, &c. in one building. [27. § 2.]

28. Separate sets of chambers or rooms occupied or constructed or adapted to be occupied by different persons shall, if contained in a building exceeding *three thousand six hundred square feet* in area, be deemed each to be a building, and shall be divided, where they adjoin either vertically or horizontally, by proper party structures comprising arches and floors of fire-resisting materials.

New and old buildings, what. [8.]

29. Every building which has not been carried higher than the footings before the commencement of this Act,—and every building in relation to which a building notice (as defined in this Act) has not been duly given before that time,—shall be deemed a new building; but nothing in this section shall be construed so as to exclude from the application of the term new building as used in this Act any building that would have been determined to be a new building according to the true construction of this Act if this section had not been inserted in this Act.

Every building not being a new building shall be deemed an old building.

Application of Act to what buildings. [7.]

30. This Act shall apply to all new buildings.

Any repeal or provision in this Act shall not apply to an old building, unless a contrary intention appears.

Where this Act refers to a building, the reference shall, unless a contrary intention appears, be deemed to be to a new building.

Alterations, &c. of buildings. [9.]

31. This Act shall apply to every work (including any alteration or addition) made or done for any purpose (except superficial repair not affecting the construction of an external wall, party wall, parapet, chimney, or flue, or a pier, storey-post, or bressummer supporting an external or party wall,) in, to, or on a new building after the same is roofed or covered in, or in, to, or on an old building.

Where in this Act any alteration, addition, or work in, to, or on a building is referred to, the reference shall, unless a contrary intention appears, be deemed to be to an alteration, addition, or work to which this Act is in this section expressed to apply.

Rebuilding makes a new building, when. [10.]

32. Where an old building has been taken down or destroyed to an extent exceeding *one half* of its cubical contents, the rebuilding thereof shall be deemed to be the erecting of a new building; and every portion of the old building not in conformity with this Act shall be taken down before the rebuilding thereof.

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Removal of timber partitions, &c. in old buildings. [11.]

33. Where old buildings are separated by timber or other partitions not in conformity with this Act, then if those partitions are removed to the extent of *one half* (measured in superficial feet) thereof, those buildings shall, as respects the separation thereof, be deemed new buildings, and shall thereupon be divided from each other in manner directed by this Act.

When remainder of party wall, &c. to be taken down.

34. Where a party wall or external inclosure not in conformity with this Act has been taken down, burnt, or destroyed to the extent of *one half* thereof (measured in superficial feet), the rest of such wall or inclosure shall be taken down before the rebuilding thereof.

Rules as to raising of buildings.

35. A building, whether old or new, shall not (except with the approval of the board) be raised in such manner that the party walls and external walls and walls of separation (if any) and chimneys thereof, when raised, will not be in conformity with this Act.

Limitation on height of warehouses, &c.

36. The height of a new building used or constructed or adapted to be used wholly or in part for purposes of business, and the height of an old building so used, any external wall whereof is pulled down to any point in the same within *ten feet* of the footings of that wall for the purpose of being altered or rebuilt, shall not exceed *sixty feet*, measured from the lowest level of the adjoining footway, or pavement, or ground to the eaves of the roof, except where the building abuts on a street or open space *forty feet* wide or upwards, and then its height shall not exceed *sixty-five feet* so measured; but the board may, if they think fit, in any case permit such variation from the provisions of this section as circumstances require.

Adaptation of old buildings to warehouse, &c. purposes.

37. Where an old building not used as a warehouse, manufactory, brewery, or distillery becomes so used, it shall be so altered as to be in conformity with this Act.

Restriction on union. [28. § 2.]

38. Buildings shall not be united if, when united, they would, considered as one building only, not be in conformity with this Act.

Union only while in same occupation. [28. §§ 1, 4.]

39. Buildings shall not be united unless they are or are constructed or adapted to be wholly in one occupation.

Where buildings united cease to be in one occupation, all openings made in any party wall between them shall be stopped up with brick or stone work, of the full thickness of the wall itself and properly bonded therewith.

Rules for measurement in schedule. (*Sched.* III., *page* 39.)

40. The rules contained in the third schedule to this Act shall be applied for measurement of height and length for purposes of this Act.

(*Sched.* IV., *page* 39.)

41. The rules contained in the fourth schedule to this Act shall be applied for determination of thickness of walls for purposes of this Act.

Rules as to thickness of walls in schedule. [Sched. I., Prelim. 4.] (*Sched.* V., *page* 44.)

The thickness prescribed by those rules shall be the minimum thickness.

The diagrams contained in the fifth schedule to this Act may be taken as illustrating, but shall not be taken as controling, those rules.

The board may from time to time, by order approved by Her Majesty in Council, on the representation of the Secretary of State, alter as they think expedient those rules or any such order. [55.]

Rules for construction in schedule. (*Sched.* VI., *page* 49.)

42. The rules contained in the sixth schedule to this Act shall have effect with respect to construction in general.

IV.—Light and Ventilation.

Rules in seventh schedule. (*Sched.* VII., *page* 57.)

43. The rules contained in the seventh schedule to this Act shall have effect with respect to light and ventilation.

Penalty as to inhabited rooms.

44. If any person suffers to be inhabited any room constructed after the commencement of this Act that is not constructed in conformity with the rules of the seventh schedule to this Act relative to height of rooms and light and ventilation he shall for every such offence (in addition to any other liability under this Act or otherwise) be liable, on summary conviction before a magistrate, to a penalty not exceeding *twenty* shillings for every period of twenty-four hours during any part of which such room is inhabited.

Position of buildings in streets with respect to light.

45. A building in a street may, with the permission of the board, given by them after considering any objection made by any of the owners of each adjoining building or ground, be brought forward to any extent, provided that no part thereof extends beyond a line drawn at an angle of *forty-five* degrees with the front wall or boundary of the adjoining building or ground; and the decision of the board shall be final and binding on all parties and those claiming under them, as well in respect of easements of light and air as in all other respects.

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Prohibition of openings in external walls beyond general line.

46. If under section seventy-five of The Metropolis Management Amendment Act, 1862, a building is with the permission of the board erected beyond the general line of any street, place, or row of houses, there shall not be any opening in any external wall thereof in any such part of that wall as extends beyond the general line aforesaid, except with the consent of the owners of each adjoining building or ground, or, failing that consent, with the permission of the board, given by them after considering any objection made by any such owner.

Order of magistrate for removal of obstruction to light, &c.

47. A magistrate, in a summary way, may hear and determine the complaint of the owner of a building or part of a building, respecting an obstruction of light or air to the building or part caused by an adjoining or neighbouring building, or by part of the same building belonging to a different owner, or respecting the making in an adjoining or neighbouring building or part of a building, of a window or other light or other opening, and may, if he thinks it just, order any such obstruction to be removed or altered, or any such light or opening to be closed.

Any such order may, if the magistrate so directs, be executed by the district surveyor, whose expenses of the execution thereof shall be recoverable with full costs by the board from the owner of the adjoining or neighbouring building or part of a building.

Recesses to avoid obstruction of skylights.

48. Where the owner of ground is desirous of building thereon, but his intended building would obstruct, to a greater extent than *forty-five* degrees, a lantern-light or skylight in the roof of an adjoining or neighbouring building in respect of which the owner of the adjoining or neighbouring building has acquired an indefeasible easement, the owner of the ground may nevertheless, with the permission of the board given on considering any objection made by the owner of the building, proceed with the intended building on condition of making therein a proper recess or space of such construction with fire-resisting materials as the board direct.

Remedy where buildings in streets exceed prescribed height.

49. Where a building is built or raised in contravention of section eighty-five of The Metropolis Management Amendment Act, 1862, the board shall (without prejudice to the recovery of penalties under that section) have the like remedy in respect thereof as under section seventy-five of the same Act they have in respect of a building built in contravention of the last-mentioned section.

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V.—Party Structures.

Rights of building owner in schedule. (*Sch.* VIII., *page* 58.)

50. A building owner shall have a right to do any of the things described in the eighth schedule to this Act, subject to the rules thereof respecting expenses.

Right to place footings on adjoining ground.

51. Where the owner of ground intends to build thereon, and any ground adjoining thereto is not built on at the part where the footings of any party wall of the intended building or of any wall of separation will be placed, the owner of the ground intended to be built on shall be deemed a building owner, and the person who would be the adjoining owner if the adjoining ground were built on at that part shall be deemed the adjoining owner; and the building owner shall have a right, at his own expense, to place on the adjoining ground the projecting footings of the intended party wall or wall of separation and any concrete thereunder.

Right of adjoining owner to works. [84.]

52. Where a building owner, as such, proposes to exercise any of his rights, the adjoining owner shall be entitled to the construction by the building owner on the party structure of any chimney jambs or breasts, flues, piers, recesses, or other like works, for the convenience of the adjoining owner, the execution of which will not be injurious to the building owner, or cause him unnecessary inconvenience or delay in the exercise of his right.

Notice by building owner. [85. §§ 1, 2.]

53. A building owner, as such, shall not,—except with the consent in writing of the adjoining owner, and of the occupier of the adjoining building or ground affected by the execution of any work of the building owner,—and except where a party structure is dangerous, in which case the provisions of this Act relative to dangerous structures shall apply,—exercise any of his rights in relation to a party fence wall unless at least *one month*, or exercise any of his rights in relation to any party structure other than a party fence wall, unless at least *two months*, before doing so, he has served on the adjoining owner, and also on the occupier of the adjoining building or ground, a notice stating the nature and particulars of the proposed work and the time at which it is proposed to be begun; nor shall any such notice be available for the exercise of any such right, unless the work to which the notice relates is begun within *six months* after the service thereof, and is prosecuted with due diligence and without intermission, except when the prosecution thereof is prevented by weather or some reasonable cause.

Requisition by adjoining owner. [85. §§ 4. 5.]

54. At any time within *one month* after the service of such notice the adjoining owner may serve on the building owner a

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requisition to build on the party structure any works to the construction of which the adjoining owner, as such, is entitled, specifying the works, and (if the character of the works so requires) accompanied with explanatory plans and drawings.

Consent to be expressed. [85. § 6.]

55. If either owner does not, within *fourteen days* after the service on him of any such notice or requisition (as the case may be), express his consent thereto, he shall be considered as having dissented therefrom.

Power for building owner to enter. [86.]

56. When a building owner, as such, has become entitled to execute any work, he, his agents, servants, and workmen, may, at all usual times of working, enter on the building or ground of the adjoining owner for the purpose of executing and may execute that work (removing any furniture or doing any other thing necessary); and if the building or ground of the adjoining owner is closed, he or they may, accompanied by a constable, break open any door in order to such entry; and if any owner or other person wilfully hinders or obstructs or causes or procures to be hindered or obstructed any person employed for any of the purposes aforesaid, or wilfully damages or injures the work, or causes or procures it to be damaged or injured, every such owner and every such other person shall for every such offence be liable, on summary conviction before a magistrate, to a penalty not exceeding *ten pounds*.

Mode of exercise of rights. [85. § 3.]

57. A building owner, as such, shall not exercise any of his rights in such manner or at such time as to cause unnecessary inconvenience either to the adjoining owner or to the occupier of the adjoining building or ground.

Temporary protection to adjoining building, &c.

58. Where a building owner in the exercise of any of his rights lays open any part of the building or ground of the adjoining owner, he shall at his own expense apply thereto and maintain for a proper time a proper hoarding or other proper temporary construction for the protection of the building or ground of the adjoining owner and the comfort of the occupier (if any) thereof.

Security by building owner, if required. [87.]

59. The adjoining owner may, if he thinks fit, serve a requisition on the building owner, requiring him, before beginning a work, to give security for payment of such expenses as will become payable by the building owner, and in that case it shall not be lawful for the building owner to begin the work until he has given security accordingly.

Penalty on building owner failing to perform conditions, &c. [94.]

60. Where a building owner, as such, is liable to make good damage occasioned to the property of the adjoining owner, or to do anything on condition only of his doing which his right arises, or which he is required by this Act to do for the benefit of

the adjoining owner or of the occupier of the adjoining building or ground, and he fails to do so within a reasonable time, he shall (independently of any other liability to which he may be subject) be deemed guilty of an offence against this Act, and shall, for each day during which such failure continues, be liable, on summary conviction before a magistrate, to a penalty not exceeding *twenty pounds*.

Recovery of expenses of works from adjoining owner. [89–91.]

61. A building owner, within *one month* after completing a work which he is by this Act authorized or required to execute, and the expense of which the adjoining owner is liable to bear wholly or in part, but not later, may serve on the adjoining owner an account in writing of the particulars and expense of the work, specifying any deduction to which the adjoining owner is entitled in respect of old materials or otherwise.

Every such work shall be estimated and valued at fair average rates and prices, according to its nature and situation, and to the market price of materials and labour at the time of its execution.

At any time within *one month* after the service of such account the adjoining owner, if dissatisfied therewith, may declare his dissatisfaction by notice served on the building owner, specifying the grounds of his dissatisfaction.

Otherwise, he shall be deemed to have accepted the account, and shall pay the amount thereof on demand to the building owner, and if he fails to do so the amount may be recovered as a debt.

Vesting of property in case of delay by adjoining owner. [92.]

62. Where the adjoining owner is liable to contribute to the expenses of building a party structure the building owner at whose expense it was built shall, by virtue of this Act, have the sole property therein, and in the ground whereon it stands, from the time when the contribution is due and payable until it is paid; and the amount of the contribution when due and payable shall become and be a charge on the adjoining building or ground, and may be recovered as a debt from the person who is owner thereof for the time being at any time thereafter.

Expenses incurred on requisition of adjoining owner. [93.]

63. The adjoining owner shall be liable for all expenses incurred on his requisition by the building owner, and in default of payment the same may be recovered from him as a debt.

Compensation to occupier.

64. If in the execution of a work authorized or required by the provisions of this Act relative to party structures, loss or injury is occasioned or done to an occupier (not being owner) of a building or ground affected by the execution of such work, such occupier shall be entitled to compensation, and the same shall be deemed part of the expense of the execution of such work, and shall

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accordingly be paid by the building owner and the adjoining owner, or one of them, according as the expense of the work is to be borne by them or one of them.

Consent in case of disability, &c. [95, 96.]

65. Where under the provisions of this Act relative to party structures consent is required to be given, a notice or requisition to be served, or any other thing to be done by, on, or to an owner, and the owner is at the time under disability, the same may be given, served, and done as follows:

By, on, or to a husband on behalf of his wife:

By, on, or to a trustee on behalf of his cestuique trust:

By, on, or to a guardian or committee on behalf of an infant or lunatic.

Where under those provisions consent is required to be given or anything is required to be done by an owner, if there is not an owner capable of giving such consent or of doing such thing, and there is no person empowered by this Act to give or do the same on behalf of such owner, or if an owner so capable or any person so empowered cannot be found, or if no owner can be found, a magistrate may give the consent, or do the thing, or cause it to be done, on behalf of the owner, on such terms and subject to such conditions as he thinks just, and may, if he thinks fit, dispense with service on the owner of any notice otherwise requisite to be served.

VI.—Buildings of cubical Contents exceeding 216,000 Cubic Feet.

[56.] [Building Act of 1860, 23 & 24 Vict. c. 52.] Buildings of more than 216,000 feet to conform with this part.

66. Buildings the cubical contents whereof exceed *two hundred and sixteen thousand cubic feet* shall (besides being in conformity with other provisions of this Act applicable thereto) be in conformity with the provisions of this Act expressly relative thereto, unless the board otherwise permit.

Division by party walls, &c. [27, § 4.] (*Sched.* XI., *page* 61.)

67. Every building, the cubical contents whereof exceed *two hundred and sixteen thousand cubic feet*, shall be divided by walls (built in conformity with the provisions of this Act relative to party walls) or by floors (constructed in conformity with such of the provisions of the eleventh schedule to this Act as relate to floors) in such manner that the cubical contents of each division will not exceed *two hundred and sixteen thousand cubic feet*, unless the board otherwise permit.

No building shall, except with the permission of the board, be enlarged so that its cubical contents will exceed *two hundred and sixteen thousand cubic feet*, unless it is separated into divi-

sions by walls (built in conformity with the provisions of this Act relative to party walls) or by floors (constructed in conformity with such of the provisions of the eleventh schedule to this Act as relate to floors) in such manner that the cubical contents of each division will not exceed *two hundred and sixteen thousand cubic feet.*

(*Sched.* XI., *page* 61.)

Nothing in this section shall apply to a public building.

Openings in party walls. [28, § 3.]

68. No opening shall be made in a party wall dividing buildings the cubical contents of which, taken together, would exceed *two hundred and sixteen thousand feet*, except with the permission of the board.

Communications between buildings. [28, § 3.]

69. Where buildings are united in conformity with other provisions of this Act, and the cubical contents of the buildings taken together exceed *two hundred and sixteen thousand cubic feet*, and the buildings are not separated from each other by a street, there shall not be any communication left or made between them except by means of doorways in their external walls, and galleries or bridgeways, constructed in conformity with the rules contained in the ninth schedule to this Act:

(*Sched.* IX., *page* 60.)

Provided that where buildings which have been united are so constructed as not to admit of the use of such doorways, then external staircases or staircases intermediate between buildings, with galleries of communication, such staircases and galleries being constructed of incombustible materials, may, with the permission of the board, be added thereto.

VII.—Public Buildings.

Construction of public buildings. [30.] (*Sched.* X., *page* 60.)

70. A building shall not be used as a public building until the superintending architect has certified his approval thereof in relation to the matters referred to in the tenth schedule to this Act, for which purpose the superintending architect shall have the like powers of entry and other powers as are by this Act conferred on a district surveyor.

Adaptation of old buildings to public purposes.

71. Where an old building, not being a public building, becomes used as a public building, it shall be so altered as to be in conformity with this Act.

Other provisions of Act applied. [30.]

72. Except as otherwise expressly provided in this Act, every public building shall be deemed to be included in the term building throughout this Act, and shall be subject to the provisions of this Act accordingly, as if it were not a public building.

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VIII.—Fire-resisting Buildings.

What buildings fire-resisting. (*Sched.* XI., *page* 61.)

73. A building constructed in conformity with the rules contained in the eleventh schedule to this Act shall for purposes of this Act be deemed a fire-resisting building.

In all respects other than those provided for in those rules the construction of the several parts shall be in conformity with other provisions of this Act applicable thereto.

IX.—Special Buildings.

Buildings to which rules inapplicable. [56, 57, 58, 60, 61.]

74. Where a building or work is proposed to be erected or executed, and it is shown to the satisfaction of the board that it is not necessary or expedient to require that the same be erected or executed in conformity with this Act, or that this Act does not contain any provisions applicable thereto, or that the provisions of this Act are for any reason inapplicable thereto, the same may be erected or executed in such manner and on such terms and conditions as the board permit, and not otherwise.

X.—Supervision of Buildings by District Surveyor.

Buildings and works to be under surveyor. [31, 39.]

75. Every building and structure, and every work done to, in, or on a building or structure, shall be subject to the supervision of the district surveyor.

The district surveyors (each with respect to buildings, structures, and works within his district) shall cause the provisions of this Act, and of any byelaws under this Act, and any directions of the board in pursuance of this Act, to be observed.

Notice to be given to district surveyor by builder. [38, 40, 41.]

76. Where a building or structure, or any work to, in, or on a building or structure, is about to be commenced, then *two clear days* before it is commenced,—and where a building or structure, or any such work is, after the commencement thereof, suspended for a period exceeding *three months*, then *two clear days* before it is resumed,—and where, during the progress of a building or structure or of any such work, the builder employed thereon is changed, then *two clear days* before a new builder enters on the continuance thereof,—the builder employed, or, if there is not any builder employed distinct from the owner of the building or structure on or in connexion with which the work is executed, then the owner of the building or structure, or other the person causing or directing the work to be executed, shall serve on the district surveyor a

notice of such building or structure or work (in this Act called a building notice).

Every building notice shall state the situation, area, height, number of storeys, and intended use of the building or structure or work respecting which notice is required, and the number of buildings or structures, if more than one, and the particulars of the proposed work, and the christian name, surname, and address of the person giving the notice, and those of the owner of the building or structure.

Any works in progress at the same time to, in, or on the same building or structure may be included in one building notice.

A building notice shall be evidence against the person serving it of the nature of the building or structure or work to which it purports to relate.

If any person who ought to serve a building notice fails to do so, or begins to execute any work of which he ought to serve a building notice before serving it,—or if any person having served a building notice begins to execute the work to which it refers before the expiration of *two clear days* from the time of service,—every such person shall for every such offence be liable, on summary conviction before a magistrate, to a penalty not exceeding *twenty pounds*.

In emergency work may be begun without notice. [44.]

77. If by reason of emergency any act or work is required to be done immediately or before a building notice respecting it can be served, then the act or work so required may be done, on condition that before the expiration of *twelve hours* after it is begun a building notice thereof is served on the district surveyor.

Notice by district surveyor in case of irregularity. [45.]

78. In the following cases, namely,—

If in the erection of a building or structure, or the doing of any work to, in, or on a building or structure, anything is done in contravention of this Act, or anything required by this Act is omitted; or

If a building notice has not been duly served and the district surveyor on surveying or inspecting a building or structure or work finds that the same is so far advanced that he cannot ascertain whether or not anything has been done in contravention of this Act, or whether or not anything required by this Act has been omitted;—

In every such case the district surveyor may serve on the builder erecting the building or structure or doing the work a notice thereof (in this Act called a notice of irregularity) requiring him, within *forty-eight hours* from service of the notice, to cause anything done in contravention of this Act to be amended, or to do anything

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required to be done by this Act, but omitted, or to cause so much of any building or structure or work as prevents the district surveyor from ascertaining whether or not anything has been so done or omitted, to be to a sufficient extent cut into, laid open, or pulled down.

Notice to owner where no builder.

79. In the following cases, namely,—

(1.) Where there is not any builder employed distinct from the owner of the building or structure on or in connexion with which any work is executed, or there are more builders than one so employed;

(2.) Where, in the execution of any work affected by this Act, the board think fit to require that proceedings be taken otherwise than against the builder;—

A notice of irregularity may be served on the owner or occupier of the building or structure, or other the person causing or directing the work to be executed, instead of on the builder, if any, and thereupon such of the provisions of this Act as relate to the builder shall apply to such owner, occupier, or other person; but nothing in this section shall prejudice any remedy of such owner, occupier, or other person against the builder.

On noncompliance with notice, proceedings before magistrate. [46, 47.]

80. If the person on whom a notice of irregularity is served fails for *forty-eight hours* from the service of the notice to comply with the requisitions thereof the district surveyor may make complaint of such noncompliance before a magistrate, who may, if he sees good cause, order the person in default to comply with the requisitions of the notice, or such of them as in the opinion of the magistrate are authorized by this Act, within a time specified in the order.

Any person on whom any such order is made shall be, by virtue of this Act and of the order, authorized to enter on the building or structure or ground to which the order relates, and to comply with and execute the order.

If the order is not complied with and executed, the person on whom it is made shall be liable on summary conviction before a magistrate to a penalty not exceeding *twenty pounds* for every day of the continuance of such noncompliance, and in addition thereto the board may, if they think fit, by their proper officers and with a sufficient number of workmen, enter on the building or structure or ground, and do all things necessary or proper for executing the order.

All expenses incurred by the board in or about the execution of the order may be recovered summarily from the person on whom the order is made, on complaint before a magistrate, or, where that person is not the owner, may be recovered summarily from the owner

of the building or structure, on complaint before a magistrate; and if the owner cannot be found, or if, on demand, he fails to pay the expenses, the board shall have the same power of taking and selling the building or structure or materials, or both, in respect of which the order is made, and of applying the proceeds, as they have under this Act in cases of dangerous structures, and the provisions of this Act in that behalf shall apply.

Power of entry. [42, 43.]

81. The district surveyor from time to time after receipt of a building notice, and during the progress of a building or structure or work, and until the expiration of *fourteen days* after notice has been served on him of the completion, in accordance with this Act, of a building or structure or work, and also from time to time for the purpose of ascertaining whether a building or structure or work (not being one exempted by name in the thirteenth schedule to this Act) is entitled to exemption, or to any privilege under this Act, may, as often as he thinks necessary or proper, and with proper assistance, enter, inspect, and survey the building or structure or work, or the site or intended site thereof. (*Sch.* XIII., *page* 63.)

The district surveyor may, at any time, while any proceeding under this Act is pending before a magistrate or otherwise respecting a building or structure or work, as often as he thinks necessary or proper, and with proper assistance, enter, inspect, and survey the building or structure or work, or the site or intended site thereof.

Where a building or structure has been erected or work has been done without a building notice being duly served on the district surveyor, or a building or structure or work is not in conformity with this Act, the district surveyor may, at any time within *one month* after he has discovered or has reasonable ground for suspecting that the building or structure has been erected or work done, or that it is not in conformity with this Act, enter, inspect, and survey the building or structure or work.

From what period time to run. [105.]

82. The time limited for the taking of any proceeding or the doing of anything authorized or required by this Act to be taken or done by the district surveyor or the board in respect of a building or structure or work shall, notwithstanding anything in any other Act, begin to run only from the date of the district surveyor's discovering or having reasonable ground for suspecting that the building or structure has been erected or work done or that it is not in conformity with this Act, or that a notice of irregularity has not been complied with, as the case may be.

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XI.—Storing of Inflammable Articles.

Regulation as to storing of chemicals, &c.

83. It shall not be lawful for any person to deliver, receive, or keep for the purposes of sale any quantity greater than that from time to time permitted by byelaw of any of the following articles, namely, —petroleum, phosphorus, mineral oil, turpentine, resin, tar, pitch, paraffin, naphtha, varnish, fireworks, matches, sulphuric acid or other mineral acid, or chemicals of an inflammable nature, into or in any building or place other than a fire-resisting building, or a cellar or ground floor room (being the lowest room in any building or place), or a room on the ground floor having a cellar or vault immediately under it covered with such arching as is required for the support of floors in fire-resisting buildings.

If any person acts in any manner in contravention of this section he shall for every such offence be liable, on summary conviction before a magistrate, to a penalty not exceeding *ten pounds*, and in case of a continuing offence to a further penalty not exceeding *five pounds* for every day during which such offence continues after the day on which the first penalty is incurred.

Regulations as to storing of saltpetre, &c.

84. It shall not be lawful for any person to deliver, receive, or keep any quantity exceeding *half a ton* of saltpetre or nitrate of soda into or in any building other than a detached building approved by the board as a fit building for the purpose; in which case no other goods than saltpetre or nitrate of soda shall be received or delivered into such building.

If any person acts in any manner in contravention of this section, he shall for every such offence be liable, on summary conviction before a magistrate, to a penalty not exceeding *fifty pounds*, and in case of a continuing offence to a further penalty not exceeding *twenty pounds* for every day during which such offence continues after the day on which the first penalty is incurred.

XII.—Dangerous and Noxious Businesses.

[Building Act of 1844, 7 & 8 Vict. c. 84. ss. 54–63.]

Definition of dangerous and noxious businesses.

85. For the purposes of this Act, the following shall alone be deemed dangerous businesses; namely,—the manufacture of gunpowder, or of detonating powder, or of matches ignitable by friction or otherwise, or of other substances liable to sudden explosion, inflammation, or ignition, or of vitriol, or of turpentine, or of naphtha, or of varnish, or of fireworks, or of painted table covers, and any other manufacture dangerous on account of the liability of the materials or substances employed therein to cause sudden fire or explosion.

For the purposes of this Act, the following shall alone be deemed noxious businesses; namely,—the business of a blood-boiler, bone-boiler, fellmonger, slaughterer of cattle, sheep, or horses, soap-boiler, tallow-melter, or tripe-boiler, and any other like business offensive or noxious.

Restriction on building near dangerous business.

86. It shall not be lawful for any person after the commencement of this Act to erect a building within *fifty feet* from a building for the time being in use for a dangerous business; but if a building existing on or before the seventh day of August one thousand eight hundred and forty-four, within *fifty feet* from any building, so for the time being in use, is after the commencement of this Act pulled down, burnt, or destroyed by tempest, such building may be rebuilt.

If any person acts in any respect in contravention of this section, he shall be liable, on summary conviction before a magistrate, to a penalty not exceeding *fifty pounds* for every day during which such building remains near to such dangerous business.

Restriction on carrying on dangerous business.

87. It shall not be lawful for any person after the commencement of this Act, to establish or newly carry on a dangerous business, either in a building or vault or in the open air, within *forty feet* from a street, or within *fifty feet* from a building or ground belonging to any person other than the owner of the building or ground in or on which the business is established or carried on.

If any person acts in any respect in contravention of this section, he shall be liable, on summary conviction before a magistrate, to a penalty not exceeding *fifty pounds* for every day during which such business is so carried on.

Restriction on building near noxious business.

88. It shall not be lawful for any person, after the commencement of this Act, to erect a domestic building within *fifty feet* from a building for the time being in use for a noxious business, but if a domestic building existing on or before the seventh day of August one thousand eight hundred and forty-four, within *fifty feet* from any such building is after the commencement of this Act pulled down, burnt, or destroyed by tempest, such building may be rebuilt as a domestic building or otherwise.

If any person acts in any respect in contravention of this section he shall be liable, on summary conviction before a magistrate, to a penalty not exceeding *fifty pounds* for every day during which such building remains near to such noxious business.

Restriction on carrying on noxious business.

89. It shall not be lawful for any person, after the commencement of this Act, to establish or newly carry on a noxious business, either in a building or vault or in the open air, within *forty feet* from a street, or within *fifty feet* from a domestic building; and if

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any such business was, on or before the seventh day of August one thousand eight hundred and forty-four, carried on in any situation within such respective distance, then, from the end of the year one thousand eight hundred and seventy-four, it shall not be lawful for any person to continue to carry on such business in such situation.

If any person acts in any respect in contravention of this section he shall be liable, on summary conviction before a magistrate, to a penalty not exceeding *fifty pounds* for every day during which the business is carried on.

Power for local authority to obtain removal on compensation.

90. If the vestry or district board of a parish or district under the Metropolis Management Acts present a memorial to Her Majesty in Council, stating the existence of a dangerous or noxious business in such parish or district, or its neighbourhood, and praying the removal thereof, and engaging to provide compensation to the person carrying it on, by means of a rate to be levied on the parish or district, or part thereof, it shall be lawful for Her Majesty, if Her Majesty thinks fit, to refer the matter to Her Majesty's Privy Council, or any committee thereof, to consider the character of such business, whether it is dangerous or noxious; and if it appears to them that it is so, and that there are no means of making it otherwise by the adoption of methods available without unreasonable sacrifice on the part of the person by whom it is carried on, then it shall be lawful for Her Majesty in Council to direct that the removal of such business may be purchased by means of a rate as aforesaid.

In every such case the person carrying on such business shall be entitled to compensation for the removal thereof, and the owner and occupier of the building and ground where such business is carried on shall be entitled to compensation for the restriction on the use of his building for that purpose, the amount of such compensation to be determined in manner provided by The Lands Clauses Consolidation Act, 1845, for determining the amount of compensation with respect to lands taken under the provisions thereof, and all the provisions of that Act shall be applicable for determining the amount of such compensation, and for enforcing payment or other satisfaction thereof.

If within *three months* after the compensation so determined is payable the same is duly paid or tendered, then, within *three months* after such payment or tender, it shall cease to be lawful for the person carrying on such business to continue the same, and for any owner or occupier of the building or ground where the same is carried on either to carry on such business or to permit it to be carried on in that building or ground or any part thereof.

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The expenses of a vestry or district board in the execution of this section, including any compensation to be paid by them, shall be deemed expenses of the execution by them of the Metropolis Management Acts, and shall be raised and defrayed according to the provisions of those Acts, including the provisions of section one hundred and fifty-nine of The Metropolis Management Act, 1855.

Saving for existing prohibitions, general law, &c.

91. Nothing in this Act shall make it lawful for any person to establish carry on or continue any business which it is at the commencement of this Act unlawful to establish carry on or continue generally or within particular limits, or to establish carry on or continue any business in any manner contrary to any public or local Act of Parliament, or otherwise contrary to law, or take away or interfere with the operation or effect of any prohibition in force at the commencement of this Act of the establishment carrying on or continuance of any business, or abridge or prejudicially affect the right, power, or duty of any officer or person to suppress nuisances or to proceed civilly or criminally against a person carrying on a dangerous or noxious or other business.

Exception for existing gasworks, distilleries, &c. (*Sched.* XII., *page* 63.)

92. The provisions of this Act relative to dangerous and noxious businesses shall not apply to works or buildings described in the twelfth schedule to this Act.

XIII.—Dangerous Structures.

District surveyors to give information. [69.]

93. Each district surveyor shall from time to time, on receiving information of a building or structure being in a dangerous state, make the same known to the board, or, if the building or structure is in the city, to the commissioners of sewers.

Survey of dangerous structures. [69.]

94. Where it is in any manner made known to the board or (with respect to the city) to the commissioners of sewers that a building or structure is in a dangerous state, they shall require a survey thereof to be made by the district surveyor, or, in the case of the commissioners, if they think fit, by some other competent surveyor.

Surveyor's certificate. [71.]

95. The surveyor employed shall, on the completion of his survey of the building or structure, certify to the board or commissioners his opinion on its state.

Certificate of no danger. [72.]

96. If the certificate is to the effect that the building or structure is not in a dangerous state, no further proceedings shall then be had in respect thereof.

Certificate of danger. [72.]

97. If the certificate is to the effect that the building or structure is in a dangerous state, the board or commissioners shall cause the building or structure to be shored up or otherwise secured, and a

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proper hoard or fence to be put up for the protection of passengers, and shall serve a notice on the owner or occupier of the building or structure, requiring him forthwith to take down, secure, or repair the same, as the case requires.

On non-compliance with notice, order of magistrate. [73.]

98. If the owner or occupier fails to comply as speedily as the nature of the case permits with the requisition of the notice, the board or commissioners may make complaint thereof before a magistrate who may, if he sees good cause, order the owner, or on his default the occupier, to take down or to repair or otherwise secure the building or structure, or such part thereof as appears to the magistrate to be in a dangerous state (as the case requires), to the satisfaction of the board or commissioners, within a time fixed by the magistrate; and in case the order is not obeyed, the board or commissioners may, with all convenient speed, execute the order.

Proceedings by surveyor in case of imminent danger.

99. Where a district surveyor on receiving information of a building or structure being in a dangerous state is informed that the same is in an imminently dangerous state, he shall forthwith proceed to examine the same, and if he is satisfied on such examination that the same is in an imminently dangerous state, he shall forthwith cause the same to be shored up or otherwise secured, and a proper hoard or fence to be put up for the protection of passengers, and the expenses of his so doing shall be deemed expenses incurred by the board or commissioners in respect of a dangerous building or structure under this Act.

In every such case the district surveyor shall forthwith report to the board or commissioners on the state of the building or structure and his proceedings in relation thereto.

Expenses to be paid by owner. [73, 74, 76.]

100. All expenses incurred by the board or commissioners in respect of any dangerous building or structure under this Act shall be paid to them by the owner of the building or structure within *one month* after demand, and shall be recoverable summarily by them from him, on complaint before a magistrate, without prejudice to the owner's rights (if any) against any person liable to the expenses of repairs.

If the owner cannot be found, or if, on demand, he fails to pay the expenses, the board or commissioners may serve on him notice of their intention to proceed under this section, and may after the expiration of *three months* from the service thereof sell the building or structure.

Where the board or commissioners sell the building or structure they shall, after deducting from the proceeds of sale the amount of all expenses incurred by them, restore the surplus (if any) to the owner, on demand.

If no demand for the surplus is made by any person entitled thereto within *one year* after it becomes payable, it shall be paid into the Bank of England, in the name and with the privity of the Accountant General of the Court of Chancery, to be placed to his account there to the credit of the owner (described as far as the board or commissioners can describe him), subject to the control of the Court, and to be paid out to the owner, his representatives or assigns, on his or their applying by summons and proving title thereto.

Removal of inmates. [80.]

101. Where a building or structure has been certified as aforesaid to be in a dangerous state, or a district surveyor is satisfied on examination that a building or structure is in an imminently dangerous state, a magistrate may, if he sees good cause, on the application of the board or commissioners, or in the last-mentioned case of the district surveyor, order the inmates (if any) to be removed therefrom by a constable, and if they have no other abode, he may require them to be received into the workhouse established for the reception of the poor of the place in which the building or structure is situate.

Payments by commissioners, &c. [75, 77, 79, 81.]

102. There shall be paid by the commissioners to a surveyor, not being a district surveyor, employed by them respecting a dangerous building or structure, the like fees as would be payable to him if he were a district surveyor.

Fees paid to a district or other surveyor by the commissioners under this Act shall be deemed expenses incurred by them in respect of the dangerous building or structure in respect of which the fees are paid.

Subject to the approval of the Secretary of State, the commissioners may appoint such persons at such salaries and make such regulations as they think fit, for carrying into execution the provisions of this Act relative to dangerous buildings or structures.

Payments by those provisions directed to be made by or to the commissioners, and salaries of officers, and other expenses incurred by the commissioners in the execution of those provisions, and not paid by or received from owners or occupiers, shall be paid by or to the chamberlain of the city, out of or to the credit of the consolidated rate in the same manner in which payments are made by or to the chamberlain in the ordinary course of business.

Indemnity to commissioners. [75.]

103. A commissioner or officer shall not be liable in respect of any loss sustained by any person in consequence of the exercise by the commissioners of their powers under this Act, not happening through the wilful default of the commissioner or officer sought to be charged therewith.

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XIV.—Exemptions.

Exemption of certain buildings. &c.

104. The buildings and works described in the thirteenth schedule to this Act shall be exempt from the operation of this Act, except as far as it relates to party structures and to dangerous structures.

[6.]
(*Sch.* XIII., *page* 63.)
Continuance of exemption.

105. Any building or structure in any respect exempt from the operation of this Act, or in any manner privileged in respect of any provision of this Act, shall remain so exempt or privileged as long only as it is used for the purpose or retains the character by reason whereof it is so exempt or privileged; and forthwith on any building or structure ceasing to be so exempt or privileged it shall become subject to the provisions of this Act applicable thereto according to its then purpose or character, as if it had never been so exempt or privileged, and as if it were about to be erected as a new building at the time of its ceasing to be so exempt or privileged.

XV.—Streets.

Rules in schedule as to formation of streets. (*Sch.* XIV., *page* 65.)

106. The rules contained in the fourteenth schedule to this Act shall have effect with respect to the formation of streets.

If any person acts in any respect in contravention of those rules he shall for every such offence be liable on summary conviction before a magistrate to a penalty not exceeding *five pounds*, and in case of a continuing offence to a further penalty not exceeding *one pound* for every day during which the offence continues, after notice thereof served on him by the board.

Declaration of streets.

107. The board may from time to time declare by resolution or order whether or not any place is a street for purposes of this Act and where any street begins or ends; and every such declaration shall be conclusive.

Rules in schedule as to buildings in streets. (*Sch.* XV., *page* 67.)

108. The rules contained in the fifteenth schedule to this Act shall have effect with respect to buildings in streets.

XVI.—Special Provisions as to Fire.

Offences against Act in respect of fire.

109. If any person does any act in contravention of or fails in any respect to comply with the requirements of this Act relative to any of the following matters, he shall for every such offence be liable on summary conviction before a magistrate to a penalty not exceeding *twenty pounds*:—

The adapting or using of old or new flues for new furnaces, cockles, steam-boilers, or close fires used for any purpose of trade or manufacture, or of old or new flues used in connection with high-pressure engines:

The placing of timber or wood-work in walls or chimney breasts or under chimney openings or within the specified distance from the face of the brickwork or stonework about a chimney or flue:

The driving or placing of wooden plugs or iron holdfasts or other iron fastenings at the specified distance from a flue or chimney opening:

The formation of floors under and around ovens, coppers, steam-boilers, or stoves used for any purpose of trade or manufacture, and the setting of such ovens, steam-boilers, or stoves, and the keeping open of a space about the same:

The covering of floors in domestic buildings under and around stoves:

The fixing of pipes for conveying heated air or steam or hot water or smoke or other products of combustion:

The inclosing of arches or spaces under railways.

Stopping up of openings in external walls.

110. If a building owner, without the consent in writing of the adjoining owner, makes an unauthorized opening in an external wall, the adjoining owner may serve on him a requisition to stop up the opening with brick or stone work at his own expense.

If within *one month* after service of the requisition the opening is not stopped up by the building owner at his own expense, he shall be deemed guilty of an offence against this Act, and shall for every such offence be liable on summary conviction before a magistrate to a penalty not exceeding *twenty pounds*, and to a further penalty not exceeding *five pounds* for every day during which the offence continues after the day on which the first penalty is incurred.

Restriction on wooden buildings, stores of wood, &c.

111. It shall not be lawful for any person to erect, rebuild, place, or replace a building built of wood for the purpose of floor-cloth manufacture or a pile or store of cut wood or timber, on the ground or on the top of a building or elsewhere, nearer to a street than the buildings forming the general line of building therein, or nearer to a building in different occupation than *twenty-five feet*, unless in every case there is a proper wall or fence or party wall or party fence wall (as the case requires) to separate such wooden building, or wood or timber, throughout its whole height, from the street and from every adjoining or neighbouring building.

If any person acts in any manner in contravention of this section he shall for every such offence be liable, on summary conviction before a magistrate, to a penalty not exceeding *fifty* pounds, and in case of a continuing offence to a further penalty not exceeding *twenty* pounds for every day during which such offence continues after the day on which the first penalty is incurred.

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Chimneys on fire. 28 & 29 Vict. c. 90. s. 23.

112. Section twenty-three of The Metropolitan Fire Brigade Act, 1865, and any provision of that Act relative thereto, shall, from and after the passing of this Act, be varied as follows:

(1.) Where an occupier is liable to a penalty under that section the board may give notice to him that they demand a sum not exceeding *twenty shillings* in respect of such penalty; and if he is willing to pay that sum or any smaller sum which the board agree to receive, the board may accept the sum which he is willing to pay, without resorting to proceedings to recover a penalty in manner provided by that Act; and after any summons or order made by justices or a justice for payment of any penalty under that section, the board may accept the whole or any part of such penalty (with or without any sum in respect of costs), without proceeding further under the summons or order; and any money accepted by the board under this section shall be paid to the treasurer of the board, and shall be applied as it would be applicable if it were recovered by proceedings in manner provided by that Act:

(2.) In the said section and this section the term "occupier" shall mean the person in or entitled to the actual possession of a house or other building, whether as owner, lessee, tenant, undertenant, lodger, or otherwise; and the expression "house or other building" shall include any such portion of a house or other building as is in the separate possession of an occupier.

XVII.—Sewers and Drains.

Byelaws as to junctions of sewers, &c.

113. The junctions or communications of sewers or drains of vestries or district boards with main sewers, and the making or branching by any persons of sewers or drains into the sewers of the board, and all matters connected therewith respectively, shall be regulated by byelaw.

XVIII.—General Provisions.

Byelaws.

Power to make byelaws.

114. The board may at any time after the passing of this Act and from time to time make byelaws with respect to any of the matters by this Act directed or authorized to be provided for

or regulated by byelaw, and with respect to any of the matters by this Act placed under the control or authority of the board, or the supervision of any of their officers, and generally for carrying into effect the purposes of this Act, and by any such byelaw may direct or allow works and things, the mode of execution or doing whereof or the nature whereof is not specifically prescribed by this Act or by any byelaw, to be executed, made, and done to the satisfaction of the board or of an officer of the board acting under this Act, and repeal or alter any byelaw made under any Act repealed by this Act; and the provisions of The Metropolis Management Act, 1855, respecting the making, contents, confirmation, approval, publication, and evidence of byelaws shall extend and apply to byelaws under this Act.

Magistrate for Act.

Jurisdiction of one magistrate in cases under Act.

115. It shall be lawful for Her Majesty in Council, at any time after the passing of this Act, by Order in Council, on the representation of the Secretary of State, to assign exclusively to one of the magistrates of the police courts of the metropolis the execution of the duties to be performed by a magistrate under this Act, with or without the execution of any duties to be performed by a justice under the Metropolis Management Acts, or any Act (passed or to be passed) amending the same or empowering the board to make any new street or execute any work, or of any other duties.

[103.]

Such one magistrate shall have the like jurisdiction and authority within the city as in any other place within the limits of this Act; and an appeal from any order or conviction by him (where allowed by law) shall lie to the court of general or quarter sessions for the county of Middlesex, and not elsewhere.

Any Order in Council made on the representation of the Secretary of State may from time to time prescribe rules for regulating the execution by such one magistrate of the duties assigned to him, and the times and places of his sittings, and proceedings by and before him, and the fees and charges to be taken and paid in respect of such proceedings.

If any such Order in Council is made, there may be *twenty-eight* magistrates, but no more, appointed to execute the duties of justices at the police courts of the metropolis.

It shall be lawful for Her Majesty in Council, at any time after the passing of this Act, by Order in Council, on the representation of the Secretary of State, to authorize the appointment of two assessors to assist the magistrate in the hearing of cases under this Act, such assessors being architects of *fifteen years* standing or upwards in their profession, and being appointed, the one by the

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board (being either a member of the board or not) and the other by the Council of the Royal Institute of British Architects, and to prescribe the tenure of office, duties, and remuneration of the assessors.

Sale of Copies.

Copies of Act, orders, and byelaws.

116. The board shall provide for sale, at a reasonable price, copies of this Act, printed by Her Majesty's printers, with an index in each copy, and together with any Orders in Council and byelaws under this Act for the time being in force.

Expenses of Owners.

Payment of expenses by owners and occupiers. [97.] (*Sch.* XVI., *page* 68.)

117. Where under this Act any expenses are to be borne by a building owner, adjoining owner, or other owner of a building, the rules contained in the sixteenth schedule to this Act shall have effect.

References to Arbitration.

Differences between owners, &c. be determined by arbitration, &c. [85. §§ 7–12, 97. § 3.; 110.]

118. Where a difference arises under this Act between a building owner and the adjoining owner, or between other owners of a building or buildings, or between persons interested in a building, or between an occupier and an owner of a building, or between the parties to a contract made before the commencement of this Act respecting a deviation from the terms thereof under this Act or the expenses thereof, the matter in difference shall be referred to the decision of a competent and impartial person, who is hereby empowered by his award to determine the right to do and the time and manner of doing any work, and the nature and amount of any security to be given under this Act, and the amount of any expenses, contribution, compensation, or other payment, (recovery of which is not expressly otherwise provided for in this Act,) and generally any matter arising out of or incidental to the matter in difference.

On any such difference arising, either party in difference may serve notice on the other that the matter in difference is to be determined by arbitration.

If within *fourteen days* after the service of such notice the parties in difference do not agree on the appointment of a competent and impartial person as arbitrator, then the matter in difference shall by virtue of this section stand referred to the district surveyor, who shall have all the powers of an arbitrator appointed by the parties.

At the expiration of such *fourteen days* either party in difference may serve notice on the other that the matter in difference is to be determined by the district surveyor.

If the other party in difference makes default in appearing on the reference for *seven days* after service on him of such last-mentioned notice, the district surveyor shall proceed with the reference in his absence.

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The costs of the reference and award shall be borne and paid as the arbitrator by the award determines.

The award shall be conclusive, and shall not be questioned in any court, save that either party may, within *fourteen days* from the date of its delivery, complain thereof to a magistrate, who, on hearing the case in a summary manner, may make such order in the matter and as to costs as he thinks just and consistent with this Act.

Service of Documents.

Rules for service of notices, &c. [98.] (*Sch.* XVII., *page* 69.)

119. With respect to notices, requisitions, bills, and other documents under this Act or any byelaw thereunder, and to service thereof for purposes of this Act or of any such byelaw, the rules contained in the seventeenth schedule to this Act shall have effect.

Penalties on Owners, Workmen, &c.

Protection for district surveyor on entry. [42.]

120. If, in any case where under this Act the superintending architect or a district surveyor is authorized to enter, inspect, and survey a building or work, any person refuses to admit him to do so, or refuses or neglects to afford him reasonable assistance in doing so, or in any manner obstructs or annoys him, or causes or procures him to be obstructed or annoyed, in or about such entry, inspection, or survey, every such person shall be deemed guilty of an offence against this Act, and shall for every such offence be liable, on summary conviction before a magistrate, to a penalty not exceeding *twenty pounds*.

Penalty on workmen contravening Act. [48.]

121. If any workman, labourer, servant, or other person employed in or about a building or work, wilfully and without the privity or consent of the person employing him or causing or directing the work to be done, does anything in or about such building or work in contravention of this Act, every such person shall for every such offence be liable, on summary conviction before a magistrate, to a penalty not exceeding *two pounds*.

Limitation of Actions, &c.

Actions against officers executing Act not to be brought without notice, &c. [108.]

122. An action or proceeding shall not lie against a district surveyor or other person acting officially under the authority or in execution or intended execution or in pursuance of this Act, for any alleged irregularity or trespass or other act or thing done or omitted by him under or in relation to this Act, unless notice in writing (specifying the cause of the action or proceeding, and the name and residence of the intending plaintiff or prosecutor, and of his attorney or agent in the matter,) is given by the intending plaintiff or prosecutor to the intended defendant, *one month* at least before the commencement of

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the action or proceeding, nor unless the action or proceeding is commenced within *six months* next after the act or thing complained of is done or omitted, or in case of a continuation of damage within *six months* next after the doing of such damage has ceased; and any such action shall be laid and tried in Middlesex or London, and not elsewhere.

In any such action the defendant may plead generally that the act or thing complained of was done or omitted by him as district surveyor, or (as the case may be) when acting otherwise officially under the authority or in execution or intended execution or in pursuance of this Act, and may give all special matter in evidence; and on the trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action not stated in his notice; and the plaintiff shall not succeed if tender of sufficient amends is made by the defendant before the commencement of the action; and in case no tender has been made the defendant may, by leave of the Court in which the action is brought, at any time pay into the Court such sum of money as he thinks fit, whereupon such proceeding and order shall be had and made in and by the Court as may be had and made on the payment of money into Court in an ordinary action.

If the plaintiff does not succeed in the action the defendant shall receive such full and reasonable indemnity as to all costs, charges, and expenses incurred in and about the action as may be taxed and allowed by the proper officer, subject to review; and though a verdict is given for the plaintiff in the action, he shall not have costs against the defendant unless the judge before whom the trial is had certifies his approval of the action.

Application of Penalties.

Payment of penalties to board. [104.]

123. Penalties recovered under this Act shall (notwithstanding anything in any Act relating to the metropolitan police or in any other Act) be paid to the board, to be applied as they think fit.

Savings and temporary Provisions.

Saving for general obligations.

124. Nothing in this Act shall relieve any builder, owner, or other person from the obligation of erecting or executing a building or structure or work with proper care, skill, and diligence.

Contracts between landlord and tenant. [111.]

125. Nothing in this Act shall affect the rights or liabilities of landlord or tenant under any contract between them.

Expenses of unauthorized works.

126. Notwithstanding anything in this Act, the owner or occupier of a building or structure or ground, or other person, shall not be

liable to pay or contribute to any expense incurred by an owner or other person in or about the erection or execution of a building or structure or work if the same when erected or executed is not in conformity with this Act; nor shall a builder or other person be entitled to recover from any person any money in respect of any building or structure or work that is erected or executed in pursuance of the stipulations of any contract or otherwise, but that is not in conformity with this Act.

Building leases made before Act. [10 & 11 Vict. c. 34. s. 155.]

127. Nothing in this Act shall affect any lease or agreement for a lease whereby any person is bound to erect any building or structure, or do any work, but the building or structure or work to which the lease or agreement refers shall be erected or done in conformity with this Act, as if this Act had been in operation at the time of the making of the lease or agreement, and that without either party being entitled to compensation.

Contracts made before Act. [110.]

128. A contract made before the commencement of this Act for the erection of a building or structure, or the execution of any work, shall be carried into effect in the same manner as if this Act had been in operation at the time of the making of the contract; and the necessary deviations from the terms of the contract may be made accordingly; and the difference of expense (if any) caused by such deviations shall be paid or adjusted by or between the parties to the contract, as circumstances require.

Recovery of expenses under existing leases, &c. [110.]

129. Where under this Act expenses are paid by an owner with respect to a building or structure held under a lease or agreement made before the commencement of this Act, the owner may recover the same from the persons who, if this Act had not been passed, would have been liable by law or by such lease or contract to maintain or repair the building or structure.

Saving for past compensations. [113.]

130. Notwithstanding anything in this Act, every person by whom compensation awarded under any enactment repealed by this Act is at the commencement of this Act enjoyed shall continue to enjoy the same and on the same terms and conditions as if this Act had not been passed.

Saving as to cellars, &c.

131. Nothing in this Act (except the repeal of enactments relating to reports by district surveyors) shall affect the provisions of the Metropolis Management Acts respecting cellars and underground rooms.

Saving for commissioners of sewers. [4.]

132. Nothing in this Act shall affect the exercise of any powers vested by Act of Parliament in the Commissioners of Sewers.

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(*Clause* 3.)

SCHEDULES.

THE FIRST SCHEDULE.

Enactments repealed.

7 & 8 Vict. c. 84. -	An Act for regulating the construction and the use of buildings in the metropolis and its neighbourhood.
18 & 19 Vict. c. 120.	The Metropolis Management Act, 1855, in part, namely;—
	So much of section one hundred and three as relates to reports by district surveyors.
18 & 19 Vict. c. 122.	The Metropolitan Building Act, 1855.
23 & 24 Vict. c. 52.	The Metropolitan Building Act (Amendment), 1860.
24 & 25 Vict. c. 87.	The Metropolitan Building Amendment Act, 1861.
25 & 26 Vict. c. 102.	The Metropolis Management Amendment Act, 1862, in part, namely;—
	Section forty-six, so much of sections forty-seven and forty-eight as relates to a sewer vested in the Board, section forty-nine, so much of section sixty-two as relates to reports by district surveyors, and sections ninety-eight and ninety-nine.
32 & 33 Vict. c. 82. -	The Metropolitan Building Act, 1869.

(*Clause* 5. § 28.)

THE SECOND SCHEDULE.

Fire-resisting materials.

1. Brickwork constructed of good bricks well burnt, hard, and sound, properly bonded and solidly put together with good mortar, compounded of good lime or cement in proper proportions, with sharp sand or other material to the satisfaction of the district surveyor.

2. Oak and teak or other hard timber used for beams or posts, or in combination with wrought iron, such timber and such iron (if any) being protected by plastering in cement or other incombustible or non-conducting external coating.

3. Slate tiles, brick, or terra cotta used for coverings or corbels.

4. Flagstones used for floors over arches, but not exposed on the underside and not supported at the ends only.

5. Concrete properly compounded used for filling in between joists floors.

6. Granite and other stone suitable for building purposes, by reason of its solidity and durability. A.D. 1870.

THE THIRD SCHEDULE. (*Clause* 40.)

Measurement of height and length.

1. The height of a building shall be measured from the top of the footings to the top of the topmost storey. [Sched. I., Prelim. 6. 7.]

2. The height of a wall shall be measured from the top of the footings to the highest part of the wall, or in case of a gable to half the height of the gable, exclusive of any parapet in case of an external wall.

3. Walls shall be deemed to be divided into distinct lengths by return walls. The length of a wall shall be measured from the centre of one return wall to the centre of another, provided that the return walls are external walls, party walls, or cross walls, of the thickness prescribed by this Act, and are bonded into the walls so deemed to be divided.

THE FOURTH SCHEDULE. (*Clause* 41.)

Minimum thickness of walls.

Part I.—Buildings not Public and not of Warehouse Class.

1. This part of this schedule applies to the external walls and party walls of domestic buildings and of all other buildings, except public buildings and buildings of the warehouse class, and to no other walls. [Sched. I., Part I.]

2. Where the wall does not exceed *twenty-five feet* in height, its thickness shall be as follows:

If it does not exceed *thirty feet* in length, and does not comprise more than *two* storeys, it shall be *eight inches and a half* thick from its base to its top:

If it exceeds *thirty feet* in length or comprises more than *two* storeys, it shall be *thirteen inches* thick below the topmost storey, and *eight inches and a half* thick for the rest of its height.

3. Where the wall exceeds *twenty-five feet*, but does not exceed *thirty feet* in height, it shall be *thirteen inches* thick below the topmost storey, and *eight inches and a half* thick for the rest of its height.

4. Where the wall exceeds *thirty feet*, but does not exceed *forty feet* in height, its thickness shall be as follows:

If it does not exceed *thirty-five feet* in length it shall be *thirteen inches* thick below the topmost storey, and *eight inches and a half* thick for the rest of its height:

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If it exceeds *thirty-five feet* in length, it shall be *seventeen inches and a half* thick for the height of one story, then *thirteen inches* thick for the rest of its height below the topmost storey, and *eight inches and a half* thick for the rest of its height.

5. Where the wall exceeds *forty feet*, but does not exceed *fifty feet* in height, its thickness shall be as follows:

If it does not exceed *thirty feet* in length, it shall be *seventeen inches and a half* thick for the height of one storey, then *thirteen inches* thick for the rest of its height below the topmost storey, and *eight inches and a half* thick for the rest of its height:

If it exceeds *thirty feet*, but does not exceed *forty-five feet* in length, it shall be *seventeen inches and a half* thick for the height of two storeys, then *thirteen inches* thick for the rest of its height:

If it exceeds *forty-five feet* in length, it shall be *twenty-one inches and a half* thick for the height of one storey, then *seventeen inches and a half* thick for the height of the next storey, and then *thirteen inches* thick for the rest of its height.

6. Where the wall exceeds *fifty feet*, but does not exceed *sixty feet* in height, its thickness shall be as follows:

If it does not exceed *forty-five feet* in length, it shall be *seventeen inches and a half* thick for the height of two storeys, and *thirteen inches* thick for the rest of its height:

If it exceeds *forty-five feet* in length it shall be *twenty-one inches and a half* thick for the height of one storey, then *seventeen inches and a half* thick for the height of the next two storeys, and then *thirteen inches* thick for the rest of its height.

7. Where the wall exceeds *sixty feet*, but does not exceed *seventy feet* in height, its thickness shall be as follows:

If it does not exceed *forty-five feet* in length, it shall be *twenty-one inches and a half* thick for the height of one storey, then *seventeen inches and a half* thick for the height of the next two storeys, and then *thirteen inches* thick for the rest of its height:

If it exceeds *forty-five feet* in length, it shall be increased in thickness in each of the storeys below the uppermost two storeys by *four inches and a half* (subject to the provision in Part IV. of this schedule respecting distribution in piers).

8. Where the wall exceeds *seventy feet*, but does not exceed *eighty feet* in height, its thickness shall be as follows:

If it does not exceed *forty-five feet* in length it shall be *twenty-one inches and a half* thick for the height of one storey, then *seventeen inches and a half* thick for the height of the next three storeys, and *thirteen inches* thick for the rest of its height:

If it exceeds *forty-five feet* in length, it shall be increased in thickness in each of the storeys below the uppermost two storeys by *four inches and a half* (subject to the provision in Part IV. of this schedule respecting distribution in piers).

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9. Where the wall exceeds *eighty feet*, but does not exceed *ninety feet* in height, its thickness shall be as follows:

If it does not exceed *forty-five feet* in length, it shall be *twenty-six inches* thick for the height of one storey, then *twenty-one inches and a half* thick for the height of the next storey, then *seventeen inches and a half* thick for the height of the next three storeys, and then *thirteen inches* thick for the rest of its height:

If it exceeds *forty-five feet* in length, it shall be increased in thickness in each of the storeys below the uppermost two storeys by *four inches and a half* (subject to the provision in Part IV. of this schedule respecting distribution in piers).

10. Where the wall exceeds *ninety feet*, but does not exceed *one hundred feet* in height, its thickness shall be as follows:

If it does not exceed *forty-five feet* in length, it shall be *twenty-six inches* thick for the height of one storey, then *twenty-one inches and a half* thick for the height of the next two storeys, then *seventeen inches and a half* thick for the height of the next three storeys, and then *thirteen inches* thick for the rest of its height:

If it exceeds *forty-five feet* in length, it shall be increased in thickness in each of the storeys below the uppermost two storeys by *four inches and a half* (subject to the provision in Part IV. of this schedule respecting distribution in piers).

11. If any storey exceeds in height *sixteen* times the thickness prescribed for its walls, the thickness of each external and party wall throughout such storey shall be increased to *one sixteenth* part of the height of the storey (subject to the provision in Part IV. of this schedule respecting distribution in piers).

12. A storey inclosed with walls less than *thirteen inches* in thickness shall not be made more than *ten feet* in height.

Part II.—Buildings of Warehouse Class.

[Sched. I. Part II.]

13. This part of this schedule applies to the external and party walls of buildings of the warehouse class, and to no other walls.

14. Where the wall does not exceed *twenty-five feet* in height (whatever is its length) it shall be *thirteen inches* thick at its base.

15. Where the wall exceeds *twenty-five feet*, but does not exceed *thirty feet* in height, it shall be at its base of the thickness following:

If it does not exceed *forty-five feet* in length, it shall be *thirteen inches* thick at its base:

If it exceeds *forty-five feet* in length it shall be *seventeen inches and a half* thick at its base.

16. Where the wall exceeds *thirty feet*, but does not exceed *forty feet* in height, it shall be at its base of the thickness following:

If it does not exceed *thirty-five feet* in length, it shall be *thirteen inches* thick at its base:

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If it exceeds *thirty-five feet*, but does not exceed *forty-five feet* in length, it shall be *seventeen inches and a half* thick at its base:

If it exceeds *forty-five feet* in length, it shall be *twenty-one inches and a half* thick at its base.

17. Where the wall exceeds *forty feet*, but does not exceed *fifty feet* in height, it shall be at its base of the thickness following:

If it does not exceed *thirty feet* in length, it shall be *seventeen inches and a half* thick at its base:

If it exceeds *thirty feet*, but does not exceed *forty-five feet* in length, it shall be *twenty-one inches and a half* thick at its base:

If it exceeds *forty-five feet* in length, it shall be *twenty-six inches* thick at its base.

18. Where the wall exceeds *fifty feet*, but does not exceed *sixty feet* in height, it shall be at its base of the thickness following:

If it does not exceed *forty-five feet* in length, it shall be *twenty-one inches and a half* thick at its base:

If it exceeds *forty-five feet* in length, it shall be *twenty-six inches* thick at its base.

19. Where the wall exceeds *sixty feet*, but does not exceed *seventy feet* in height, it shall be at its base of the thickness following:

If it does not exceed *forty-five feet* in length, it shall be *twenty-one inches and a half* thick at its base:

If it exceeds *forty-five feet* in length, it shall be increased in thickness from the base up to within *sixteen feet* from the top of the wall by *four inches and a half* (subject to the provision in Part IV. of this schedule respecting distribution in piers).

20. Where the wall exceeds *seventy feet*, but does not exceed *eighty feet* in height, it shall be at its base of the thickness following:

If it does not exceed *forty-five feet* in length, it shall be *twenty-one inches and a half* thick at its base:

If it exceeds *forty-five feet* in length, it shall be increased in thickness from the base up to within *sixteen feet* from the top of the wall by *four inches and a half* (subject to the provision in Part IV. of this schedule respecting distribution in piers).

21. Where the wall exceeds *eighty feet*, but does not exceed *ninety feet* in height, it shall be at its base of the thickness following:

If it does not exceed *forty-five feet* in length, it shall be *twenty-six inches* thick at its base:

If it exceeds *forty-five feet* in length, it shall be increased in thickness from the base up to within *sixteen feet* from the top of the wall by *four inches and a half* (subject to the provision in Part IV. of this schedule respecting distribution in piers).

22. Where the wall exceeds *ninety feet*, but does not exceed *one hundred feet* in height, it shall be at its base of the thickness following:

If it does not exceed *forty-five feet* in length, it shall be *twenty-six inches* thick at its base:

If it exceeds *forty-five feet* in length, it shall be increased in thickness from the base up to within *sixteen feet* from the top of the wall by *four inches and a half* (subject to the provision in Part IV. of this schedule respecting distribution in piers).

23. The thickness of the wall at the top, and for *sixteen feet* below the top, shall be *thirteen inches;* and the intermediate parts of the wall between the base and *sixteen feet* below the top shall be built solid throughout the space between straight lines drawn on each side of the wall and joining the thickness at the base to the thickness at *sixteen feet* below the top:

Nevertheless in walls not exceeding *thirty feet* in height, the walls of the topmost storey may be *eight inches and a half* thick, provided the height of such storey does not exceed *ten feet.*

24. If any storey exceeds in height *fourteen* times the thickness prescribed for its walls, the thickness of each external and party wall throughout such storey shall be increased to *one fourteenth* part of the height of the storey (subject to the provision in Part IV. of this schedule respecting distribution in piers).

Part III.—Cross Walls.

[Sched. I. Miscell.]

25. The thickness of a cross wall shall be *two thirds* of the thickness prescribed for an external or party wall of the same dimensions and belonging to the same class of buildings, but never less than *eight inches and a half.*

26. A wall subdividing a building shall not be deemed a cross wall until it is carried up to the top of the topmost storey, and unless the total area of the vertical faces or elevations of all the recesses and that of all the openings therein taken together does not exceed *one half* of the whole area of the vertical face or elevation of the wall in each storey.

Part IV.—General Rules respecting Thickness of Walls.

[Sched. I. Prelim, 3. 4. Part I. 7., Part II. 7., Miscell. 2.]

27. Parts I., II., and III. of this schedule apply only to walls built of bricks, not less than *eight inches and a half* long, or of stone, or other blocks of hard and incombustible substance, the beds or courses being horizontal.

28. Where a wall is built of stone, or of clunches of bricks or other burnt or vitrified material, the beds or courses not being horizontal, its thickness shall be *one third* greater than that prescribed for walls built of bricks.

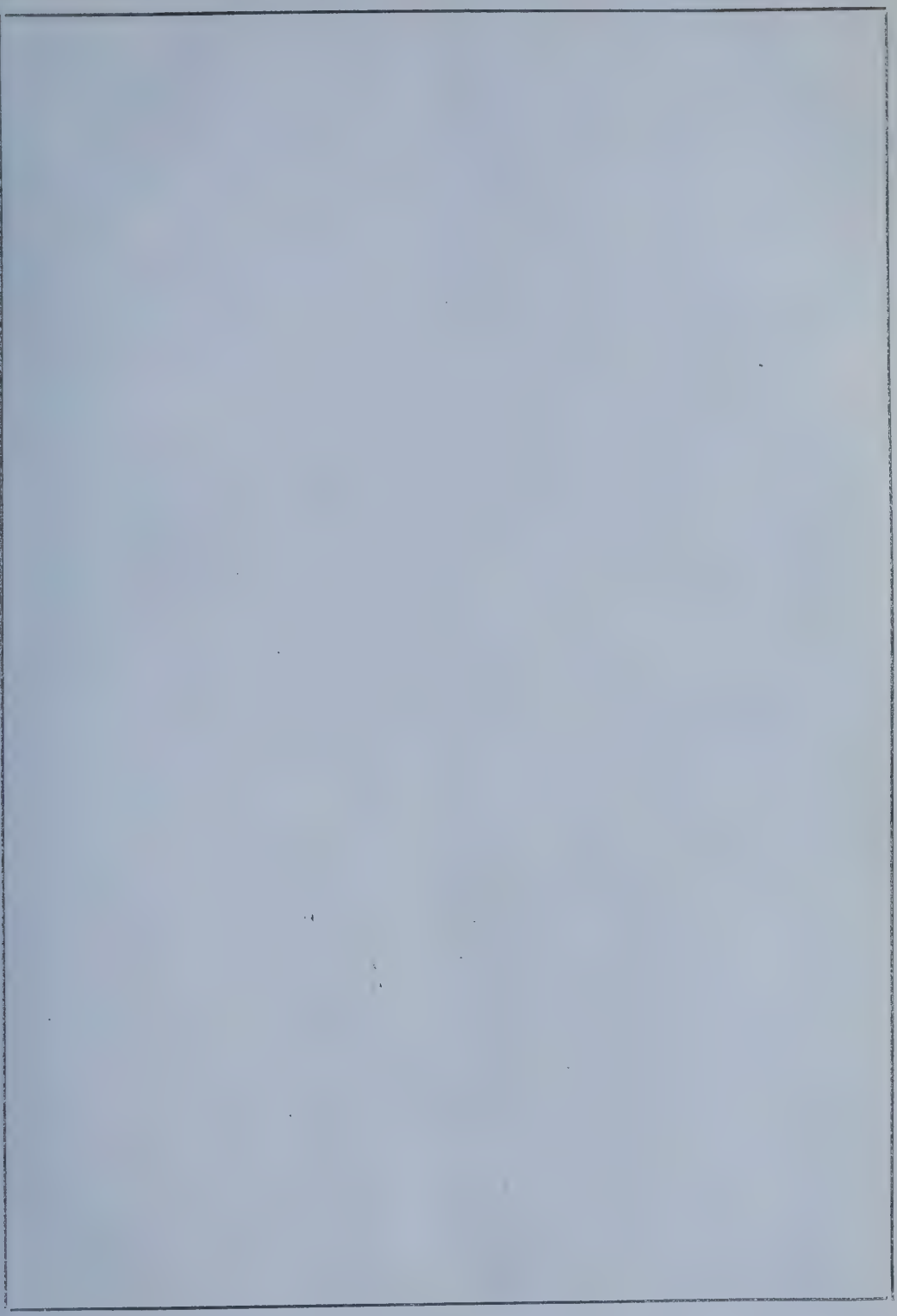
29. A wall built of other materials shall be deemed to be of sufficient thickness if made of the thickness prescribed for walls built of bricks, or of such less thickness as the board permit.

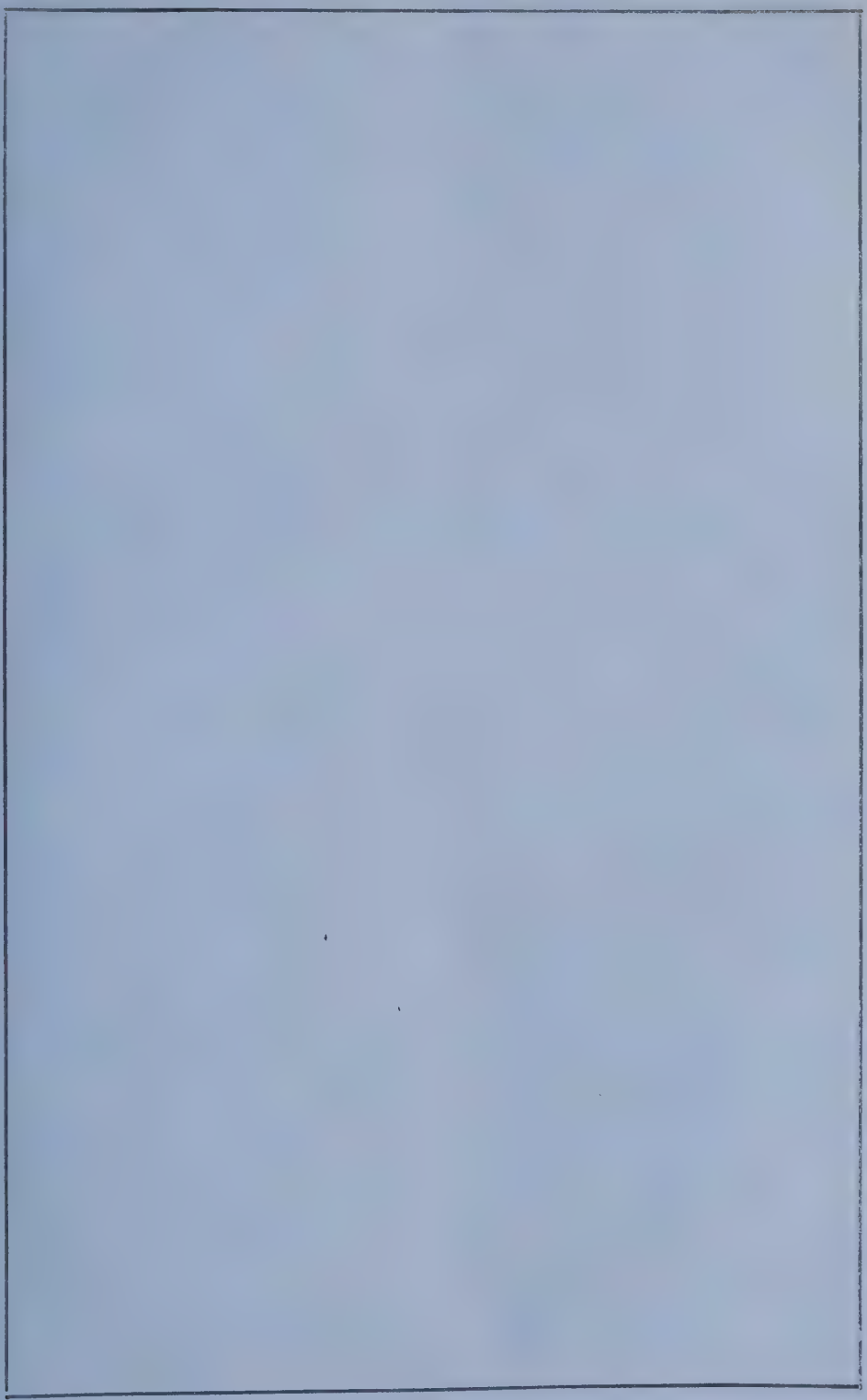
30. Where an increase of thickness is by any rule of Part I. or Part II. of this schedule required in case of a wall exceeding *sixty feet* in height and *forty-five feet* in length, or in case of a storey exceeding in height *sixteen* times or *fourteen* times (as the case may be) the thickness prescribed for its walls, then and in every such case the increased thickness may be confined to piers properly distributed, of which the collective widths amount to *one fourth* part of the length of the wall. The width of such piers may be reduced if the projection is proportionately increased, so that the horizontal sectional area be not diminished.

(*Clause* 41.)

THE FIFTH SCHEDULE.

Diagrams illustrating Rules of the Fourth Schedule as to minimum thickness of Walls.





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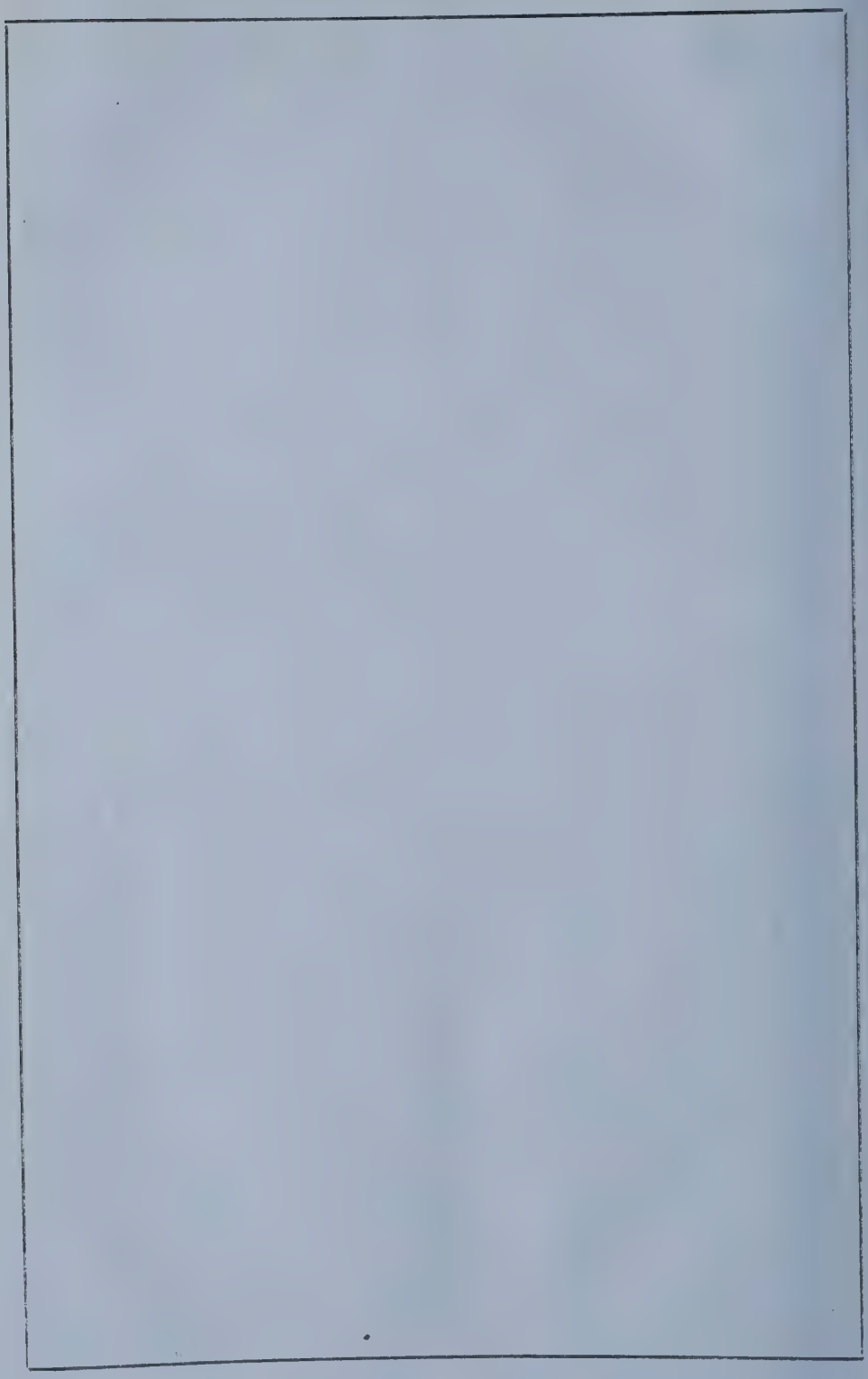

THE SIXTH SCHEDULE.

(*Clause* 42.)

Construction in general.

Walls and Foundations.

1. All walls shall be constructed of bricks, well burnt, hard, and sound, and of such sizes as to produce properly bonded work, or of stone or other hard and incombustible substances. [Sched. I. Prelim. 2.]

2. The footings of every wall shall rest on the solid ground, or on concrete, or on other solid sub-structure as a foundation.

3. Every wall constructed of bricks, stone, or other similar substances shall be properly bonded and solidly put together with good mortar, compounded of good lime or cement in proper proportions, with sharp sand or other material, to the satisfaction of the district surveyor.

4. Any part of any wall shall not overhang any part beneath it.

5. Every wall built at an angle with another wall shall be properly bonded therewith.

6. The underpinning of walls and chimneys shall be built with brick or stone bedded in cement to the full thickness of the old wall or work, and shall rest on the solid ground, or on concrete, or on other solid substructure, as a foundation.

7. A wall shall not be thickened, except after express notice to the district surveyor of the intention to thicken, and the thickening shall be executed with brick or stone work in cement duly bonded to the old work, to the satisfaction of the district surveyor.

Footings.

8. The projection at the widest part of the footings of every wall on each side of the wall shall be at least equal to *one half* of the thickness of the wall at its base, unless an adjoining wall interferes, in which case the projection may be omitted where such wall adjoins. [Sched. I. Prelim. 8.]

9. The diminution of the footings shall be in regular offsets, or in one offset at the top of the footings.

10. The height from the bottom of the footings to the base of the wall shall be at least equal to half of the thickness of the wall at its base.

External Walls.

11. Openings may be made in external walls, subject to this condition,— [13.]
that where an external wall is not more than *two feet* distant from the nearest building belonging to an owner different from the owner to whom the building having that external wall belongs, or from ground in different occupation or intended to be in different occupation, no opening whatever shall be left or made in that external wall, except air flues not more than *seventy-two inches* superficial in size.

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12. Where a building inclosed with walls is constructed so as to leave on the ground storey, or on that storey and another storey or other storeys, an extent of opening greater than *one half* of the whole area of the vertical face or elevation of the wall of the storey or storeys in which such opening is left there shall be sufficient piers of brickwork or other fire-resisting material so disposed as to carry the superstructure; and in any building so constructed there shall be a pier or piers of that description at the corner or angle of any street on which the building abuts, or such a pier in each wall within *three feet* of the corner or angle of such street.

[13.] 13. Recesses may be made in external walls, provided—

(1.) That the back of any recess is not of less thickness than *eight inches and a half*:

(2.) That where the back of a recess is of less thickness than the prescribed thickness of the wall in which it is made, the total area of the vertical faces or elevations of all the recesses in that wall and of the openings therein (if any) taken together does not exceed *one half* of the whole area of the vertical face or elevation of that wall.

[16.] 14. If a gutter, any part of which is formed of combustible material, adjoins an external wall, then that wall must be carried up so as to form a parapet *one foot* at least above the highest part of the gutter; and the thickness of the parapet so carried up must be at least *eight inches and a half* throughout.

[14.] 15. Loophole frames of wood (that is to say, framework of wood surrounding doors or window openings in the respective storeys of warehouses and other buildings for the reception or delivery of goods by means of ropes or chains attached to cranes or pulleys) shall be fixed at a distance of not less than *one inch and a half* from the face of an external wall; but all other woodwork in an external wall (except bressummers and storey posts under bressummers, and frames of doors and windows of shops on the ground storey) shall be set back *four inches* at least from the outer face of that wall.

Party Walls.

[17.] 16. Every party wall shall be carried up as follows:

(1.) Above the roof, flat, or gutter of the highest building adjoining thereto, to such height as will give a distance in a building of the warehouse class of at least *three feet*, and in any other building of at least *fifteen inches*, measured at right angles to the slope of the roof, or above the highest part of any flat or gutter, as the case may be:

(2.) Above any turret, dormer, lantern light, or other erection of combustible materials fixed on the roof or flat of any building within *four feet* from the party wall, and so as to extend at least *twelve inches* higher and wider on each side than such erection:

(3.) Above any part of any roof opposite to and within *four feet* from the party wall.

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17. Recesses may be made in party walls, provided— [13.]

(1.) That the back of any recess is not of less thickness than *thirteen inches:*

(2.) That an arch is turned in each storey over each recess:

(3.) That the side of any recess nearest to the inner face of an external wall does not come within the distance of *thirteen inches* therefrom:

(4.) That where the back of a recess is of less thickness than the prescribed thickness of the wall of the storey in which it is made, the total area of the vertical faces or elevations of all the recesses in the wall of that storey taken together does not exceed *one half* of the whole area of the vertical face or elevation of the wall of that storey.

18. In a party wall a chase shall not be made wider than *fourteen inches,* or more than *four inches and a half* deep from the face of the wall, or leaving less than *eight inches and a half* in thickness at the back or opposite side thereof, or within *seven feet* from any other chase on the same side of the wall, or within *thirteen inches* from an external wall. [18.]

19. No bond timber or wood plate, block, brick, or plug shall be placed in a party wall. [15.]

20. The end of a beam, joist, or other timber shall not be built into a party wall if the wall is of a less thickness than *nine inches.* [15.]

21. The end of any timber not permitted to be placed in or have a bearing on a party wall may be carried on a corbel or template of stone or iron or vitrified stoneware, tailed into the wall to a distance of at least *eight inches and a half,* and of a sufficient thickness. [15.]

22. The end of a beam or joist bearing on a party wall shall be at least *four inches and a half* distant from the centre line of the party wall. [15.]

Party Fence Walls.

23. Party fence walls exceeding *seven feet* and not exceeding *ten feet* in height may be built of brick, of the thickness of *nine inches,* with footings and foundation as required for other walls of that thickness; and in every length not exceeding *fifteen feet,* a pier *eighteen inches* in width and *thirteen inches* thick shall form a portion of such walls.

24. Any party fence wall built of stone or other material than brick shall be subject to the rules regarding such materials prescribed in this Act.

25. No party fence wall shall be built of greater height than *ten feet.*

Bressummers.

26. Every girder must be borne by a template of stone, iron, terra-cotta, or vitrified stoneware of the full breadth of the girder. [15.]

27. Every bressummer must have a bearing in the direction of its length of *four inches* at least at each end, on a sufficient pier of brick or stone, or on a

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timber or iron storey post, fixed on a solid foundation, in addition to its bearing on any party wall, and shall have in addition such other storey posts, iron columns, stauncheons, or piers of brick and stone on solid foundation under the same as may be sufficient to carry the superstructure.

28. No part of a bressummer shall be placed nearer to the centre line of a party wall than *four inches and a half.*

Roofs.

[19.] 29. The flat, gutter, and roof of every building, and every turret, dormer, lantern-light, skylight, or other erection placed on the flat or roof thereof, shall be externally covered with slates, tiles, metal or other incombustible materials, except the doors, door frames, and windows of such turrets, dormers, lantern-lights, skylights, or other erections.

30. In a building used wholly or in part as a dwelling house there shall not be more than one storey of rooms constructed wholly or partly in the roof, except with the permission of the board.

31. In a building used wholly or in part as a warehouse or for purposes of business, and not used in any part as a dwelling house, there shall not be any storey of rooms constructed wholly in the roof, except with the permission of the board.

32. Every building used wholly or in part as a dwelling house and having a parapet, shall be provided either with a dormer window, or a door opening on to the roof, or with a trapdoor furnished with a fixed step or ladder properly constructed leading to the roof, or with other proper means of access thereto.

Height of Rooms.

[23.] 33. Every room constructed after the commencement of this Act wholly or partly in the roof of a building, and inhabited or constructed or adapted to be inhabited, shall be at least *seven feet* in height from the floor to the ceiling throughout not less than *one half* of the area of the room.

34. Every room constructed after the commencement of this Act, not being wholly or partly in the roof of a building, and being inhabited or constructed or adapted to be inhabited, shall be at least *eight feet* in height from the floor to the ceiling in every part of the room.

Projections and Decorations.

[26.] 35. Every coping, cornice, facia, window dressing, portico, porch, balcony, verandah, and balustrade, and every projection or architectural decoration whatsoever, and also the cornices of any overhanging roof (except cornices and dressings of window fronts of shops, and except eaves and cornices of detached and semi-detached domestic buildings distant at least *fifteen feet* from any other building and from the ground of any adjoining owner), shall, except with the approval of the board, be of stone, brick, tile, artificial stone, vitrified stoneware, slate, cement, or other fire-resisting material.

36. The material forming the core of every cornice shall be tailed into the wall of the building at least as much as the projection of the cornice.

37. The material of every balcony or other projection depending principally for support on the wall shall be tailed into the wall at least *four inches and a half*, and be properly secured.

38. The brickwork or stonework, or other material, of any finial or other decoration on an external or party wall next a street shall not be built or carried higher above the roof, flat, or gutter adjoining thereto, measured from the highest point in the line of junction with the roof, flat, or gutter, than a height equal to *six* times the least width of the finial or other decoration at the level of the said highest point.

Chimneys and Flues.

[20.]

39. A chimney built on a corbel of brick, stone, or other hard material may be introduced above the level of the ceiling of the ground storey, if the work so corbelled out does not project from the wall more than the thickness of the wall, measured immediately below the corbel; but all other chimneys (not being detached) shall be built on solid foundations, and with footings similar to the footings of the walls against which they are built.

40. Chimneys and smoke flues having proper doors of cast iron of not less than *six inches* square may be constructed at any angle; but in every other chimney or flue, the slope thereof shall never be at an angle of less than forty-five degrees with the horizon, and the angles shall be properly rounded.

41. An arch of brick or stone, or a bar of wrought iron, shall be built over the opening of every chimney, to support the breast thereof; and if the breast projects more than *four inches and a half* from the face of the wall, and the jamb on either side is of less width than *fourteen inches*, the abutments shall be tied in by a bar or bars of wrought iron of sufficient strength, *seventeen inches* longer than the openings, turned up and down at the ends, and built into the jambs on each side.

42. A flue shall not be adapted to or used for any new furnace, cockle, steam boiler, or close fire used for any purpose of trade or manufacture, or the range or cooking apparatus of any hotel, tavern, or eating house, unless such flue is surrounded with brickwork at least *eight inches and a half* thick for a distance of at least *ten feet* in height from the floor on which the furnace, cockle, boiler, or fire is placed.

43. A flue shall not be used in connection with a high pressure engine unless the flue is at least *twenty feet* in height measured from the firebox of the engine.

44. The inside of every flue must be rendered, or pargeted, as the flues are carried up, unless the whole flue is lined with fire-resisting piping of stoneware at least *one inch* thick, or the flue is formed of moulded brickwork forming in the interior a circle or oval.

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[14 Geo. 3. c. 78. s. 29.]

45. The position and course of every flue shall be distinguished on the outside of the work as it is carried up by outline marks of limewash, or in some other durable manner (except where the exterior face of the flue forms part of the outer face of an external wall not likely to be built against); and the exterior face of every such flue shall be rendered or pargeted as soon as any building is erected against the wall in which the flue is, at the height of the flue.

46. The jambs of every chimney shall be at least *eight inches and a half* wide on each side of the opening thereof.

47. The breast of every chimney, and the brickwork surrounding every smoke flue and every copper flue, shall be at least *four inches* in thickness.

48. The back of the chimney opening in a kitchen, if in a party wall, shall be at least *eight inches and a half* thick to the height of at least *six feet* above the opening, or to the level of the ceiling of the storey if within *six feet*.

49. The back of every other chimney opening, from the hearth up to the height of *twelve inches* above the opening, shall be at least *eight inches and a half* thick if in a party wall, or *four inches and a half* thick if not in a party wall.

50. The thickness of the upper side of a flue inside a building when its course makes with the horizon an angle of less than *forty-five* degrees shall be at least *eight inches and a half*.

51. Every chimney shaft or smoke flue shall be carried up in brick or stone work all round, at least *four inches* thick, to a height of not less than *three feet* above the roof, flat, or gutter adjoining thereto, measured at the highest point in the line of junction with the roof, flat, or gutter.

52. The brickwork or stonework of any chimney shaft, except that of the furnace of any steam engine, brewery, distillery, or manufactory, shall not be built higher above the roof, flat, or gutter adjoining thereto, measured from the highest point in the line of junction with the roof, flat, or gutter, than a height equal to *six* times the least width of the chimney shaft at the level of such highest point in the line of junction, unless the chimney shaft is built with and bonded to another chimney shaft not in the same line with the first, or otherwise made secure.

53. There shall be laid level with the floor of every storey, before the opening of every chimney, a slab of stone or slate at least *six inches* longer at each end than the width of such opening, and at least *eighteen inches* wide in front of the breast thereof, laid on sound mortar, cement, or other incombustible or non-conducting substance.

54. On every floor, except the lowest floor, such slab shall be laid wholly on stone or iron bearers, or on brick arches or on tiles, but on the lowest floor it may be bedded on the solid ground, or on a brick fender.

55. The hearth and slab of every chimney shall be bedded wholly on brick, stone, tiles, or other incombustible substance, which shall be solid for a thick-

ness of *seven inches* at least beneath the upper surface of such hearth, or of *four inches* at least beneath the upper surface of such slab (as the case may be).

56. A flue shall not be built in or against a party structure unless it is surrounded with new brickwork at least *four inches* in thickness, properly bonded.

57. A chimney breast, jamb, or shaft built with or in a party wall shall not be cut away unless notice is first given to the district surveyor, and he certifies that it can be done without injuriously affecting the stability of the building.

58. A chimney shaft, jamb, breast, or flue shall not be cut into except for the purpose of repair, or the doing of some one or more of the following things:

The letting in, removing, or altering of smoke jacks or flues, pipes, or funnels for the conveyance of smoke, hot air, or steam:

The forming of openings for soot doors, such openings being fitted with a close iron door and frame:

The making of openings for the insertion of ventilating valves, any such opening not being made nearer than *twelve inches* to any timber or combustible substance.

Combustible Materials.

59. Timber or woodwork shall not be placed— [20, 21.]

Under a chimney opening within *ten inches* from the upper surface of the hearth thereof:

Within *two inches* from the face of the brickwork or stonework about a chimney or flue where the substance of the work is less than *eight inches and a half* thick, unless the work is rendered outside.

60. A wooden plug shall not be driven nearer than *six inches* to the inside of a flue or chimney opening.

61. An iron holdfast or other iron fastening shall not be placed nearer than *two inches* to a flue or chimney opening.

62. The floor under every oven, copper, or steam boiler, and the floor around the same for a space of *eighteen inches*, shall be formed of materials of an incombustible and non-conducting nature at least *seven inches* thick.

63. The setting of every such oven, steamboiler, or stove shall be distant at least *three inches* from any party wall, and that space shall be open.

64. In a domestic building the floor under and around every stove shall be covered with a slab or sheet of incombustible or non-conducting material, extending at least *eighteen inches* in front and *six inches* beyond the outer sides and back of the stove, and having an open space underneath such slab or sheet of at least *three inches*, not inclosed at the sides except by necessary supports.

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65. A pipe for conveying heated air or steam shall not be fixed nearer than *six inches*,—a pipe for conveying hot water above two hundred and twelve degrees of heat shall not be fixed nearer than *three inches*,—and a pipe for conveying smoke or other products of combustion shall not be fixed nearer than *nine inches*,—to any combustible material.

[22.] 66. In every building the cubical contents whereof exceed *one hundred and twenty-five thousand* cubic feet, and which is used or constructed or adapted to be used as a dwelling house for separate families, the floors of lobbies, corridors, passages, and landings, and the stairs for common or public use, shall be of fire-resisting material, carried by supports of fire-resisting material.

[24.] 67. Every party arch, and every arch or floor over a passage leading through or under a building or part of a building to any building or place at the rear thereof not in the same occupation, shall be formed of brick, stone, or other incombustible materials. If an arch of brick or stone is used, it shall, in cases where its span does not exceed *nine feet*, be of the thickness of *four inches and a half* at least. If an arch or floor of iron or other incombustible material is used, it shall be constructed in a manner approved by the district surveyor or the board.

68. Where an arch or space under a railway is inclosed, and is used or constructed or adapted to be used by the railway company or any person claiming under them for any purpose other than railway purposes, the inclosure thereof shall be deemed a building, and shall be made in conformity with the rules of this Act, unless the board otherwise direct.

[26.] 69. No part of the woodwork of a shop front shall be fixed higher than *eighteen feet* above the level of the nearest public way, or nearer than *four inches and a half* to the line of junction of any adjoining building; and a pier or corbel of brick or other fire-resisting material, at least *four inches and a half* thick, shall be built or fixed next to such adjoining building as high as any such woodwork is fixed, and projecting at least to the extent of such woodwork.

Detached Furnace Chimney Shafts.

70. Every detached chimney shaft for the furnace of a steam engine, brewery, distillery, or manufactory shall be carried up throughout in brickwork and mortar of the best quality, and shall taper gradually from the base to the top of the shaft at the rate of at least *two inches and a half* in *ten feet* of height.

71. The foundation of the shaft shall always be made to the satisfaction of the district surveyor, on the solid ground or concrete or other sufficient foundation.

72. The footings shall spread equally on each side of the base of the shaft to the extent of one third of the width of that base.

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73. The width of the base of the shaft, if square, shall be at least *one tenth* of the proposed height of the shaft, or if the same is round, or of any other shape, then *one twelfth* of the height.

74. The thickness of brickwork shall be at least *nine inches* at the top of the shaft and for *twenty feet* below the top, and shall be increased at least *one half* brick for every *twenty feet* of additional height measured downwards.

75. Every cap, cornice, pedestal, string course, or other variation from plain brickwork, shall be provided as additional to the thickness of brickwork prescribed by these rules.

76. Any firebricks built inside the lower portion of the shaft shall be provided as additional to the thickness of brickwork prescribed by these rules.

77. These rules (respecting detached furnace chimney shafts) are subject to variation by the board in any case for special reasons.

THE SEVENTH SCHEDULE.

Light and Ventilation.

(*Clause* 43.)

[29.]

1. In every building used or constructed or adapted to be used in whole or in part as a dwelling house, all rooms inhabited or constructed or adapted to be inhabited shall be lighted and ventilated directly from the outside.

2. For that purpose every such building, unless all the rooms therein above the ground or entrance storey can be lighted and ventilated directly from a street or public place or from ground adjoining and appropriated to the building, or to it in common with others, shall at all times have in the rear or on one side thereof, or partly in the rear and partly on one side thereof, an open space belonging to such building, to the extent of *one hundred square feet* at least.

3. The distance across such open space between such building and the opposite building or ground at the rear or side shall in all cases be *ten feet* throughout its whole height; and if the building is more than one storey in height above the ground or entrance storey, the distance across such open space shall be increased by *five feet* at each additional storey up to a minimum of *twenty feet*.

4. But all the foregoing requirements of the rules of this schedule shall be subject to variation, with the approval of the board.

5. Nothing in the rules of this schedule shall extend to a building to be erected for the purpose of being used as a dwelling house on the site of a dwelling house which exists at the commencement of this Act, and which was erected before the first day of January one thousand eight hundred and forty-five, but where at the time of the taking down of that existing dwelling house there is such an extent of open space as required by those rules, the building

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to be so erected shall have in the rear or at the side thereof at least such open space as is required by those rules, and where at the time of such taking down there is not such an extent of open space as aforesaid, then the building to be so erected shall have in the rear or at the side thereof an open space not less than that which existed at that time.

6. Every basement room having a wooden floor shall have a sufficient space between the ground and the floor surfaces to admit of ventilation by means of air bricks or otherwise, unless the ground is concreted over.

THE EIGHTH SCHEDULE.

(*Clause* 50.)

Party Structures.

PART I.

[83, 88.]

1. To make good, underpin, or repair any party structure that is defective or out of repair.

2. To pull down and rebuild any party structure that is so far defective or out of repair as to make it necessary or desirable to pull it down.

The expense of works comprised in this part of this schedule shall be borne by the building owner and the adjoining owner in proportion to the use they respectively make of the party structure.

PART II.

3. To pull down any unauthorized timber or other partition that divides buildings, and to build instead thereof a party wall in conformity with this Act.

The expense of building the party wall and that of building any additional party structure required by reason of the partition having been pulled down shall be borne by the building owner and the adjoining owner, in proportion to the use that each makes of the party wall and of the additional party structure (if any), regard being had to the thickness required for the respective buildings parted thereby.

PART III.

4. In the case of buildings having rooms or storeys belonging to different owners intermixed, to pull down, wholly or partially, any such room or storey being unauthorized, or any unauthorized part thereof, and to rebuild the same in conformity with this Act.

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5. In the case of buildings connected by an arch or communication over a public way or over a passage belonging to different owners, to pull down, wholly or partially, any such arch or communication being unauthorized, or any unauthorized part thereof, and to rebuild the same in conformity with this Act.

The expense of works done under this part of this schedule shall be borne by the building owner and the adjoining owner, in proportion to the use they respectively make of the room or storey or part of a room or storey pulled down and rebuilt, or of the arch or communication affected.

PART IV.

6. To raise any party structure permitted by this Act to be raised, or any external wall built against such party structure, on condition of doing the following things, namely,—making good all damage occasioned thereby to the adjoining building or to the internal finishing and decorations thereof, and carrying up to the requisite height all flues and chimney stacks belonging to the adjoining owner on or against the party structure or external wall or within *two feet* thereof.

7. To pull down any party structure that, although of proper materials, and sound, and not so far defective or out of repair as to make it necessary or desirable to pull it down, yet is of insufficient strength for any building intended to be built, and to rebuild the same of sufficient strength for that purpose, on condition of making good all damage occasioned thereby to the adjoining building or to the internal finishing and decorations thereof, and all reasonable expenses occasioned thereby to the adjoining owner, and of making reasonable compensation for any loss caused thereby to him.

8. To cut into any party structure, on condition of making good all damage occasioned thereby to the adjoining building.

9. To cut away any footing or any chimney breast, jamb, or flue projecting from any party wall in order to erect an external wall against that party wall or for any other purpose, on condition of making good all damage occasioned thereby to the adjoining building.

10. To cut away or take down such parts of any wall or building of an adjoining owner as are necessary to be cut away or taken down in consequence of the wall or building overhanging the ground of the building owner, in order to erect an upright wall against the same, on condition of making good any damage occasioned thereby to the wall or building.

11. To raise a party fence wall for a building.

12. To pull down a party fence wall, and build a party wall, such party wall not projecting further on the ground of the adjoining owner than the party fence wall did, except as far as regards the footing of the party wall.

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13. To execute any other work incident to the connexion of party structure with the building adjoining thereto.

The expense of the exercise by the building owner in any respect of the right described in this part of this schedule shall be borne by him.

(*Clause* 69.)

THE NINTH SCHEDULE.

Communications between buildings.

1. Every such doorway shall be an opening not exceeding in width *seven feet*, or in height *eight feet*, and shall have the cill, jambs, and head formed of brick or iron, and shall be closed either with a wrought-iron door *one fourth* of an inch thick in the panel, fitted to a rebated frame without woodwork, or with sliding wrought-iron doors of the same thickness, *eight inches* wider and *four inches* higher than the opening on the top and sides, the bolts and hinges being of wrought iron or steel.

2. Any *two* such doorways may open on a gallery or bridgeway constructed of fire-resisting materials not exceeding *seven feet* in width, and not inclosed, except by a handrailing of open ironwork.

3. Such doorways, whether made in opposite external walls or made in the external walls of adjoining buildings, shall be distant from one another not less than *twelve feet* measured between the nearest sides of the doorways.

4. The space through which the gallery or bridgeway is carried shall be open to the sky, and shall be of an area equal to a space not less than *four* squares.

5. If such area is inclosed with walls so as to become a well-hole, and contains less than *nine* squares, there shall be no openings in the walls, except such doorways, and no more than *one* couple of doors shall be allowed for each square of area.

(*Clause* 70.)

THE TENTH SCHEDULE.

Public Buildings.

1. Width of lobbies, corridors, passages, landings, and stairs.

2. Freedom thereof from inconvenient barriers, and steps of narrow tread or curve.

3. Construction thereof with fire-resisting materials, carried by supports of fire-resisting materials.

4. Strength and security of railings and balustrades.

5. Width of openings for doors for public entrance or access and egress, and method of opening same.

6. Means of ventilation.

7. Provision for water supply by constant pressure or otherwise.

8. Provision for extinction of fire.

THE ELEVENTH SCHEDULE.

(*Clauses* 67, 73.)

Fire-resisting Buildings.

1. All arches for support of floors shall be constructed either of good cement concrete, prepared according to byelaws under this Act, or of hard well-burnt bricks, laid in mortar composed of sharp clean sand or broken flint grit and good lime in proper proportions, or in good cement, the concrete or arch being carried on wrought-iron girders, and the thickness of the concrete or arch being at least *nine inches* for a span of *ten feet*, and increasing at least *four inches* for every additional *five feet* of span or part of *five feet*.

2. Floors may be formed of brick, slate, tiles, or iron supported by sufficient wrought-iron girders.

3. Paving of arched or vaulted floors shall be of brick, stone, tiles, iron, asphalte, cement, or wood made incombustible.

4. The roof shall be entirely of iron, or else the trusses shall be of iron and the laths for slates or tiles shall also be of iron for three sides, the interior to be filled up with wood fillets, to which the slates or tiles can be attached, but in that case the whole of the soffit of the roof shall be covered with plate iron.

5. The building shall be built in some street, square, or court in which, for the whole front of such building, there is a space of at least *forty feet* in width between such building and any building opposite to it.

6. Doors and door frames whether external or in staircases, and door sills and heads, shall be of brass or wrought or cast iron, and window shutters and frames shall be of wrought iron.

7. Doors of wrought iron shall be *one quarter* of an inch thick in panel, and if more than *two feet* wide, shall be stiffened with iron rails and stiles *one quarter* of an inch thick and *three inches* wide, or of width of angle iron.

8. Door frames shall be bolted through the walls with bolts not more than *three feet* apart, and *four inches and a half* from the face of jamb and head.

9. No window or other opening shall be made in an external wall above the roof of any adjoining building; and windows shall open only on a street, or a quay, yard, or area.

10. Every opening for a door or window that is nearer than *eight feet* (measured along the outside of the external wall) to any opening of a door

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or window in any other building shall have a wrought-iron door or a wrought-iron shutter.

11. Where openings in an external wall are towards any open quay or any similar open space, such quay or space being clear of any building, or towards any street, including any other open space immediately adjoining and open thereto, then—

(1.) If such quay, space, or street is less than *forty feet* wide, and not less than *thirty feet* wide, doors and windows without shutters fronting thereto, and their respective frames, may be of cast iron, so long as such width of quay, space, or street remains so open:

(2.) If such quay, space, or street is less than *thirty feet* wide, doors and window shutters fronting thereto shall be of wrought iron; and door jambs, heads, and cills, and all frames for window shutters, and all other external finishings, shall be of cast iron, except in rooms not used as warehouse or forwarding rooms, which rooms, if immediately under a room used as a warehouse or forwarding room, shall be covered with such arching as that required for the support of floors:

But the said respective widths shall not be deemed to be limited merely by the wall of any lawful landing or shipping quay or yard, or other space not used for the deposit of goods, or by any erection on any such quay for the convenience of the officers of Her Majesty's revenue, and for the covering and protection of goods landed from or to be shipped in any ship or vessel at such quay, as long as there is no other building than the wall and such erection, or either of them, between the fire-resisting building and the respective widths required.

12. Where *one half* at least of the entire frontage of any street in which a fire-resisting building is situate is occupied on the side opposite thereto by dwelling houses, or buildings of not greater risk as to fire than dwelling houses, then, provided such street alone, or together with any open space as aforesaid, is at least *thirty feet* wide, the several doors, and their jambs or heads and sills, and the window shutters and frames, and all other external finishings, in any fire-resisting building, so placed as to have a clear distance from any other such building on the opposite side of such street of the respective widths specified in the foregoing provisions of this part of this Act, shall be of the materials thereby allowed.

13. If the building is situate in a private square or court in more than one side of which, or in more than one of the buildings surrounding or adjoining which, there are windows, doors, or other openings, all such doors shall be of wrought iron, and every such window or other opening shall have shutters of wrought iron, and all door jambs, heads, and sills, and all frames for window shutters, and all other external finishings, shall be of wrought or cast iron.

14. Walls of staircases shall be of brickwork and mortar, not less than *thirteen inches* thick. Doors of communication therewith shall be of wrought iron. The steps and landings shall be carried either on brick arches or on a framework of wrought iron. A stone or slate staircase shall not have its steps tailed into the wall, or dependent for support on anything other than the brick arches or wrought-iron framework aforesaid, but steps of brick, terra-cotta, or other material, if shown by experiment to the satisfaction of the board to be capable of being made fire-resisting, may be used tailed into the wall or otherwise with the permission of the board. A.D. 1870.

15. Doors and shutters required to be of wrought iron shall be of sufficient strength, and be closely fitted to the apertures, and consist of plates not less than a *quarter* of an inch thick; and where a door or shutter contains an area exceeding *eighteen* superficial feet, it shall have rails and stiles of wrought iron *three* inches wide, and a *quarter* of an inch thick, riveted on the plate, or shall otherwise be strengthened by ribs, rails, or bars of wrought iron equal in strength to such rails or stiles.

16. In all cases in which door sills are required to be of iron the sill in the cellar or other lowest floor, if of stone, shall be deemed excepted.

THE TWELFTH SCHEDULE.

(*Clause* 92.)

Works and Buildings excepted from Rules as to Dangerous and noxious Businesses.

1. Public gasworks established before the seventh day of August one thousand eight hundred and forty-four, within the limits of the Act of the session of the seventh and eighth years of Her Majesty's reign, chapter eighty-four. [7 & 8 Vict. c. 84. s. 63.]

2. Any extension of those works or additional or other works authorized to be erected or substituted within the limits of the district then lighted from the works then existing by any Act of Parliament then in force relating to the gas companies to which such works belonged.

3. Any building entered or used for distillation or rectification of spirits under survey of the Commissioners of Inland Revenue, or their officers.

THE THIRTEENTH SCHEDULE.

(*Clauses* 81, 104.)

[6.]

Exemptions.

1. Her Majesty's royal palaces and any building in Her Majesty's possession, or employed for Her Majesty's use or service.

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2. The Mansion House, Guildhall, and Royal Exchange of the city of London.

39 & 40 Geo. 3. c. lxxxix.

3. The building known as the Bank of England, and any offices and buildings of the governor and company of the Bank of England for the time being on the site of or in addition to and connexion with that building.

4. The buildings of the British Museum.

5. Greenwich Hospital and the buildings in the parish of Greenwich used for the purposes of the hospital.

6. County lunatic asylums, sessions houses, and other public buildings belonging to or wholly and permanently occupied by the justices of the peace of the county or city in which the same are situated.

7. Common gaols, prisons, houses of correction, and places of confinement under the inspection of the inspectors of prisons, and Bethlehem Hospital and the house of occupations adjoining.

9 Geo. 4. c. cxiii.

8. The erections and buildings authorized by an Act (local and personal) of the ninth year of the reign of King George the Fourth, for the purposes of a market in Covent Garden.

9. Buildings belonging to and in the actual occupation of the London and St. Katharine Docks Company, and used exclusively for purposes of the company's docks.

[Building Act of 1861, 24 & 25 Vict. c. 87.]

10. Buildings erected or to be erected by or with the sanction of the Commissioners for the Exhibition of 1851, on any lands belonging to them, and purchased in pursuance of any power vested in them by charter or Act of Parliament, except streets or blocks of buildings erected or to be erected by them or with their sanction as private dwelling houses.

14 & 15 Vict. c. 61.

11. The Cattle Market, with its appurtenances, erected in pursuance of The Metropolitan Cattle Market Act, 1851.

28 & 29 Vict. c. 31.

12. Buildings on lands referred to in section thirteen of The Public Offices Act, 1865.

28 & 29 Vict. c. 32.

13. Buildings on lands referred to in section twelve of The India Office Site and Approaches Act, 1865.

[28 & 29 Vict. c. 49.]

14. Buildings on lands referred to in section eighteen of The Courts of Justice Concentration (Site) Act, 1865.

28 & 29 Vict. c. 87.

15. Buildings erected in pursuance of The Post Office Extension Act, 1865.

29 & 30 Vict. c. 21.

16. Buildings on lands referred to in section fifteen of The Public Offices Site Act, 1866, erected either by the Commissioners therein referred to, or by the receiver therein referred to.

29 & 30 Vict. c. 83.

17. Buildings on lands referred to in The National Gallery Enlargement Act, 1866.

30 & 31 Vict. c. 40.

18. Buildings on lands referred to in section fifteen of The Houses of Parliament Act, 1867.

30 & 31 Vict. c. 41.

19. Buildings on lands referred to in section twelve of The National Gallery Enlargement Act, 1867.

20. Any building belonging to a canal, dock, or railway company, being in the actual occupation of the company, and used exclusively under the provisions of any Act of Parliament for purposes of the company's canal, dock, or railway, and being in every part thereof distant at least *fifty feet* from any street and from any building or ground not belonging to the company.

21. Party fence walls built of brick or stone or similar substances, and not exceeding in height *seven feet*, measured from the top of the footings of the walls, and party fences not built of brick or stone or any similar substance.

22. Greenhouses, plant houses, orchard houses, summer houses, poultry houses, and aviaries, used exclusively for such purposes, standing detached, and not less than *ten feet* from any other buildings, not being heated otherwise than with hot water, and the fire-places, if any, being detached, with no flues of any kind within the houses or buildings.

23. Cases of metal and glass fastened to the woodwork of the sill and lower sash of a window and used for holding plants only.

24. Waterclosets and privies not exceeding in area *twenty-five feet*, and not exceeding in height *seven feet six inches* measured from the level of the ground to the under side of the eaves or roof plate, and built on separate foundations and external to the buildings to which they belong, and having no internal communication.

25. Buildings not exceeding in area *fifty feet*, and not exceeding in height *seven feet six inches* measured from the level of the ground to the under side of the eaves or roof plate, and distant at least *ten feet* from any other building, and from any street, and not having therein any stove, flue, fire-place, hot air or hot water pipe, or other apparatus for warming or ventilating the same.

26. Openings made into walls or flues, for the insertion therein of ventilating valves, of a superficial extent not greater than *forty square inches*, if such valves are not nearer than *twelve inches* to any timber or other combustible material.

THE FOURTEENTH SCHEDULE.

(*Clause* 106.)

Formation of Streets.

1. Every street laid out for building after the commencement of this Act, whether newly laid out or being an existing road, passage, or way converted into and laid out as a street, shall, except with the permission of the board, be of the width following:—

If it is laid out for purposes of carriage traffic, of the full width of *forty feet* in the carriageway and footway together.

If it is laid out for purposes of foot traffic only, then of the full width of *twenty feet*:

such respective widths to be exclusive of any gardens, forecourts, open areas, or other spaces in front or rear of the buildings erected or intended to be erected in the street.

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2. If in any case the board permit a street to be laid out of a less width than *forty feet*, they may require that the whole or any part of the surface thereof be covered with flag stones; and the same shall be done at the expense of the owners of the houses in the street, and to the satisfaction of the vestry or district board, under penalties imposed by byelaws.

3. The measurement of the width of a street shall be taken at a right angle to its course, half on either side from the centre or crown of the roadway to the nearest external wall (in front or rear) of the intended buildings on each side thereof; but where courts or other spaces are intended to be reserved or left in front or rear of those buildings, then the width of the street shall be measured from the centre line up to any fence, railing, or boundary of a substantial or permanent character, dividing or intended to divide the intended courts or spaces from the street.

4. Every street shall, except with the permission of the board, have at least *two* entrances of the full width of the street and open from the ground upward.

5. The carriage way of every street must curve or fall from the centre or crown thereof, at the rate of *three eighths* of an inch at least for a *foot* of breadth.

6. In every street the curb to each footpath must not be less than *four* or more than *eight* inches above the channel of the roadway, except in the case of crossings paved or formed for the use of foot passengers.

The slope towards the curb of every footpath in a street must be *half an inch* to every *foot* of width if the footpath is not paved, and not less than a *quarter of an inch* to every *foot* of width if the footpath is paved.

7. Five weeks at least before a street is begun to be laid out, a notice shall be served on the board by the person intending to lay it out, signed by him, stating its intended level and width, with a plan of the ground drawn to a scale of not less than *one inch* to *forty-four feet*, showing the situation of the ground, and the notice and plan or one of them showing the following particulars:—

The name and address of the person giving the notice, or that of his duly authorized agent.

The names and addresses of the owners and others interested in the land or property through or over which the street is intended to pass.

The level, width, direction, mode of construction, and name of the intended street, and the position of the streets nearest thereto.

The levels and inclinations of the streets with which the street is intended to be connected.

The sites of the proposed new buildings as far as they can be determined.

The levels of the lowest floors of the proposed new buildings.

8. The district surveyor shall from time to time ascertain and certify to the superintending architect whether or not the requirements of this Act have been complied with in respect of any street.

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THE FIFTEENTH SCHEDULE.

(*Clause* 108.)

Buildings in Streets.

1. The external wall of a building which abuts on or is within *three feet* from a street or intended street shall be carried up so as to form a parapet *one foot* at least above the highest part of the gutter against the same.

2. Every arch or floor over a street shall be subject to the same rules as those prescribed in this Act respecting arches or floors over passages leading through buildings.

3. Every arch or other construction under a street or intended street shall be formed of brick, or other fire-resisting materials. [25.]

If an arch of brick is used it shall in cases where its span does not exceed *ten feet* be of the thickness of *eight inches and a half* at least; where its span does not exceed *fifteen feet*, it shall be of the thickness of *thirteen inches* at least; where its span exceeds *fifteen feet*, it shall be of a thickness approved by the board.

If an arch or other construction not of brick is used, it shall be constructed in manner approved by the board.

4. A pipe for conveying smoke or other products of combustion, heated air, steam, or hot water shall not be fixed against a building on the face next and adjoining to a street. [21. § 2.]

5. A cornice of a building abutting on a street shall be constructed so as not to overhang the pavement to a greater extent than *half* the height of the cornice, except with the permission of the board.

6. The roof, flat, or gutter of every building, and every balcony, verandah, shop front, or other similar projection, or projecting window, must be so arranged and constructed, and so supplied with gutters and pipes, as to prevent the water dropping on or running over any public way therefrom. [26. § 4.]

7. In a street of less width than *thirty feet* any shop front may project beyond the external wall of the building to which it belongs for *five inches* and no more, and any cornice of any such shop front may so project for *eighteen inches* and no more. [26. § 2.]

8. In a street of a width greater than *thirty feet* any shop front may so project *ten inches* and no more, and any cornice of any such shop front may so project for *twenty-four inches* and no more.

9. In a street of a width greater than *forty feet* and not greater than *fifty feet*, any window may project beyond the external wall of the building to which it belongs, for *eighteen inches* and no more.

10. In a street of a width greater than *fifty feet*, any window may project beyond the external wall of the building to which it belongs, for *two feet* and no more, on the following conditions:—

A.D. 1870.

(1.) That no part of the side of the window be less than *two feet six inches* distant from the centre of the nearest party wall:

(2.) That no part of the projection of the window be less than *twelve feet* above the level of the footway of the street.

11. In a street of a width greater than *forty feet*, any balcony may project beyond the external wall of the building to which it belongs, over the ground of the owner of the building, or over the footway of the street, on the following conditions:—

(1.) That the total projection do not exceed *two feet six inches:*

(2.) That the projection over the footway of the street do not exceed *eighteen inches:*

(3.) That no part of the projection do extend beyond a line drawn at an angle of *forty-five* degrees with the front wall or boundary of the adjoining building or ground.

[26. § 5.] 12. Except as permitted by this Act in the case of shop fronts and projecting windows and balconies, and with the exception of water pipes and their appurtenances, and of copings, cornices, facias, window dressings, and other like architectural decorations, no projection from any building shall extend beyond the general line of fronts in a street, except with the permission of the board.

13. The builder shall insert in any building not built of stone, at such angles of streets and other convenient places as the board before or during the progress of the building require, blocks of stone or other suitable material, fit for having carved thereon, or attached by tablets or otherwise thereto, the names of streets and other names and directions. Every such block shall be of a width equal to the width of *three* courses of bricks at least, and of a length equal to the length of *four* bricks at least, and shall be placed at or about the level of the first floor of the building.

(*Clause* 117.)

THE SIXTEENTH SCHEDULE.

Expenses of Owners.

[97.] 1. The owner immediately entitled in possession to the building, or the occupier thereof, shall, in the first instance, pay the expenses.

2. If there are more owners than one, they shall contribute between or among themselves to the expenses in proportion to their respective interests.

3. If some of the owners liable to contribution cannot be found, any deficiency shall be contributed by those that can be found, in proportion to their respective interest.

4. If any owner pays more than his due proportion of any such expenses he may deduct the amount overpaid from any rent payable by him to any other owner of the same building.

5. An occupier shall not be liable to pay any sum exceeding in amount the rent accrued due from him in respect of the building or that will so accrue due during his occupancy.

6. Any occupier who pays any such expenses may deduct the amount so paid from any rent payable by him to any owner of the building in respect thereof. A.D. 1870.

7. If default is made by any owner or occupier in payment of any expenses payable by him in the first instance, or by any owner in payment of any expenses or money due from him by way of contribution or otherwise under these rules, then, in addition to any other remedy, the same may be recovered as a debt.

THE SEVENTEENTH SCHEDULE.

(*Clause* 119.)

Service of Documents.

1. Every such document may be wholly or in part in writing, print, or lithograph. [98.]

2. In every case such a notice may be served personally.

3. In the case of an owner of a building or ground, service (if not personal) shall be effected as follows; namely,—If the owner and his residence or that of his agent are at the time of service known to the person by whom or on whose behalf service is to be effected, then it shall be effected by means of a registered letter sent by post addressed to the residence or last known residence of the owner or of his agent; but if the owner and his residence or that of his agent are not at the time of service known to such person, then service shall be effected by the document being left with the occupier of the building or ground, or with some inmate of his abode, or if there is no occupier then by being put up on a conspicuous part of the building or ground; and in either of the two last-mentioned cases it shall not be necessary to name the owner.

4. In the case of an occupier of a building or ground, service may be effected by the document being left with an inmate of his abode; and it shall not be necessary to name the occupier.

5. In the case of a builder, service may be effected by the document being left at his place of address as stated by him to the district surveyor, or sent by post in a registered letter addressed to him there, or by being put up on a conspicuous part of the building or ground.

6. In the case of a district surveyor, service may be effected by the document being left at his office, or being sent by post in a registered letter addressed to him there.

7. Where any document is under the regulations of this schedule sent by post in a registered letter, service shall be deemed to be effected on the day on which the letter ought to be delivered at the place of its address in the ordinary course of post.

Metropolitan Buildings Management.

A

BILL

To consolidate and amend the Buildi relating to the Metropolis; the fo of streets and of sewers and drains Metropolis; and for other purposes thereto.

(*Prepared and brought in by Sir William Tite, Mr. Bentinck, and Mr. Bou*

Ordered, by the House of Commons, *to be P* 18 *March* 1870.

[Bill 80.]

Under 10 *oz.*

A

B I L L

INTITULED

An Act to amend the Acts relating to the Militia of the United Kingdom. A.D. 1870.

WHEREAS under the Acts in force concerning the Militia of the United Kingdom the Militia can be drawn out and embodied in England and Scotland respectively only in case of actual invasion or of imminent danger of invasion, or in case of rebellion or insurrection, or in case of a state of war existing between Her Majesty and a foreign power; and in Ireland only in case of actual invasion, rebellion, or insurrection, or of immediate danger thereof, or in case of a state of war existing between Her Majesty and a foreign power:

And whereas under the Acts aforesaid additional Militia can be raised only in case of actual invasion or imminent danger thereof:

And whereas it is expedient to amend the aforesaid Acts as herein-after mentioned:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Amendment of the Acts relating to the Militia in cases of emergency.

1. In case of imminent national danger or of great emergency, the occasion being first communicated to Parliament, if Parliament be then sitting, or declared by proclamation in pursuance of an Order of Her Majesty in Council if Parliament be not then sitting, it shall be lawful for Her Majesty and for the Lord Lieutenant or other chief governor or governors of Ireland respectively to cause the whole or any part of the respective Militias of England, Scotland, and Ireland to be drawn out and embodied, or to cause additional Militia to be raised for England, Scotland, or Ireland in the manner by the said Acts authorised in the cases mentioned in the said Acts; and all the provisions of the said Acts and of any Acts amending the said Acts applicable to the drawing-out, embodying, and raising such respective Militias, and to such

A.D. 1870.

Militias when so drawn out, embodied, and raised, shall apply in the case of the Militias to be drawn out, embodied, or raised in pursuance of the provisions of this Act; but this Act shall not apply to any man enlisted under any of the said Acts without his own consent.

Parliament to be summoned within ten days.

2. Whenever in pursuance of the provision of this Act Her Majesty causes any Militia to be drawn out, embodied, or raised as aforesaid, if Parliament be then separated by such adjournment or prorogation as will not expire within ten days, a proclamation shall be issued for the meeting of Parliament within ten days, and Parliament shall accordingly meet and sit upon such day as may be appointed by such proclamation, and shall continue to sit and act in like manner as if it had stood adjourned or prorogued to such day.

Militia Acts Amendment (No. 2.) [H.L.]

A

B I L L

INTITULED

An Act to amend the Acts relating to the Militia of the United Kingdom.

(*Brought from the Lords*, 6 *August* 1870.)

Ordered, by The House of Commons, *to be Printed*, 6 *August* 1870.

[Bill 262.]

Under 1 *oz.*

Mines Regulation and Inspection Bill.

ARRANGEMENT OF CLAUSES.

Preliminary.

Clause.

1. Short title.
2. Extent of Act.
3. Commencement of Act.
4. Interpretation of terms.

I.—Mines in general.

Employment of Women and Children, &c.

5. Employment of women and children in mines.
6. Employment of male young persons in mines.
7. Employment of women, young persons, and children above ground about mines.
8. Register of male young persons employed in mines.
9. Employment of young persons under 18 about engines.
10. Penalty for employment of persons contrary to Act.

II.—Wages.

11. Payment of wages at public houses, &c.
12. Payment of persons employed in mines by weight, &c.
13. Inspection of weights and measures.

III.—Coal and Iron Stone Mines.

Safety.

14. Prohibition of single shafts.
15. Saving for existing exemptions.
16. Power to enforce compliance by injunction and penalty.
17. Agreements in contravention of Act illegal.
18. Regulations to be observed in coal and ironstone mines.
19. Observance of regulations by workmen and others.

Special Rules.

20. Special rules.
21. Continuance of existing special rules.
22. Establishment of new special rules.
23. Objection of Secretary of State to special rules.

Clause.
24. Amendment of special rules.
25. Neglect of owner to make special rules.
26. Publication of rules.
27. Offences against rules.

Notices and Abandonment.

28. Notice of opening and abandonment of mine.
29. Fencing of abandoned mine.
30. Notice of accidents in mines to inspector of district.

Arbitration.

31. Provisions as to arbitrations.

IV.—Inspection.

32. Appointment of inspectors of mines.
33. Disqualification of persons as inspectors.
34. Powers of inspectors.
35. Notice by inspectors of causes of danger not provided for by the rules.
36. Maps and plans of mine.
37. Maps of abandoned mines.
38. Report of inspector.

V.—Supplemental.

Coroners.

39. Adjournment of coroners' inquests on deaths from accidents in mines.

Penalties.

40. Penalty for offences against Act.
41. Summary proceedings for offences, penalties, &c.
42. Qualification of justices.
43. Application of penalties.

Miscellaneous.

44. Certified copy of special rules.
45. Notices may be served by post.
46. Existing inspectors.
47. Repeal.

Schedule.

A

B I L L

TO

Consolidate and amend the Acts relating to the Regulation and Inspection of Mines. A.D. 1870.

WHEREAS it is expedient to consolidate and amend the law relating to the regulation and inspection of mines:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited as "The Mines Regulation Act, 1870." Short title.

2. This Act, so far as it applies to coal and ironstone mines, shall not apply to Ireland. Extent of Act.

3. This Act shall not come into operation until the *first* of *September one thousand eight hundred and seventy*, which date is in this Act referred to as the commencement of this Act. Commencement of Act.

4. In this Act, unless the context otherwise requires,— Interpretation of terms. 23 & 24 Vict. c. 151. s. 7.

The term "mine" includes mines of every description, and every shaft in the course of being sunk, and every level or inclined plane in the course of being driven for commencing or opening any mine, or for searching for or proving minerals, and all the works, machinery, tramways, and sidings, both below ground and above ground, in and adjacent to a mine or any such shaft level or inclined plane:

The term "coal and ironstone mine" means a mine (as above defined) of coal or of ironstone of the coal measures worked in connexion with coal or with any disused or exhausted coal mine:

The term "owner" means the immediate proprietor, or lessee, or occupier of any mine, or of any part thereof:

The term "agent" means any person having, on behalf of the owner, care or direction of any mine, or of any part thereof:

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The term "Secretary of State" means one of Her Majesty's Principal Secretaries of State:

The term "court" includes any justices, sheriff, sheriff substitute, and magistrate exercising jurisdiction with respect to matters in this Act.

I.—Mines in general.

Employment of Women and Children, &c.

Employment of women and children in mines. 5 & 6 Vict. c. 99. ss. 1–4. 23 & 24 Vict. c. 151. ss. 1, 2.

5. No child under the age of *twelve years*, and no woman above that age, shall be employed in or allowed to be for the purpose of employment in any mine below ground.

Employment of male young persons in mines.

6. No male young person under the age of *sixteen* and above the age of *twelve* years shall be employed in or allowed to be for the purpose of employment in any mine below ground, except during a period not exceeding *twelve* consecutive hours with intervals amounting to not less than one hour and a half for meals during each such period of employment, and with an interval of not less than *ten* hours between each such period of employment.

Employment of women, young persons, and children above ground about mines. 31 & 32 Vict. c. 146.

7. The provisions of the Workshops Regulation Act, 1867, shall extend to all women, young persons, and children employed above ground in connexion with any mine, in the same manner as if the place in which they are so employed were a workshop within the meaning of that Act.

Register of male young persons employed in mines.

8. The owner or agent of every mine shall keep at the principal office or at an office at or near the mine a register of all male young persons under the age of *sixteen years* who are employed in his mine below ground, specifying their name, age, residence, and date of first employment.

Such register shall be produced at all reasonable times for examination by an inspector under this Act.

Employment of young persons under 18 about engines. 5 & 6 Vict. c. 99. s. 9. 23 & 24 Vict. c. 151. s. 4.

9. Where there is a vertical shaft or pit or an inclined or horizontal plane in any mine, whether for the purpose of an entrance to such mine or of a communication from one part to another part of such mine, and persons are taken up or down or along such vertical shaft or pit or inclined or horizontal plane by means of any engine, windlass, or gin, driven or worked by steam or any mechanical power, or by an animal, or by manual labour, a person shall not be allowed to have charge of such engine, windlass, or gin, or

of any part of the machinery, ropes, chains, or tackle connected therewith, unless he is a male, A.D. 1870.

(*a*) if the engine, windlass, or gin is worked by steam or mechanical power, of at least *eighteen* years of age;

(*b*) if it is worked by an animal or by manual labour, of at least *fifteen* years of age.

Where the engine, windlass, or gin is worked by an animal, the person under whose direction the driver of the animal acts shall, for the purposes of this section, be deemed to be the person in charge of the engine, windlass, or gin.

10. If the owner or agent of any mine acts or permits any person to act in contravention of any provision of this Act with respect to the employment of women, young persons, or children, or to the register of male young persons, or to the employment of persons about any engine, windlass, or gin, he shall be guilty of an offence against this Act. Penalty for employment of persons contrary to Act. 5 & 6 Vict. c. 99. s. 6.

If it appears that a child or young person, or a person employed about an engine, windlass, or gin, was employed on the representation of his parent or guardian that he was above the age prescribed by this Act, and under the belief in good faith that he was above that age, the employer may be exempted from any penalty, and the parent or guardian shall, for such misrepresentation, be deemed guilty of an offence against this Act.

II.—Wages.

11. With respect to the payment of wages to persons employed in or about any mine the following regulations shall be observed by every owner and agent of such mine: Payment of wages at public-houses, &c. 5 & 6 Vict. c. 99. ss. 10–22. 23 & 24 Vict. c. 151. s. 28.

(1.) No wages or money in respect of wages shall be paid to any person at or within any public house, beer shop, or place for the sale of exciseable liquors, or other house of entertainment, or any office, garden, or place belonging or contiguous thereto, or occupied therewith:

(2). All wages and money in respect of wages payable to persons employed in or about any coal and ironstone mine shall be paid only in money by the immediate employer of such persons at an office which is appointed by him for the purpose, and is situate in conformity with the foregoing provisions of this section, and is notified in manner prescribed by the special rules of the mine: 23 & 24 Vict. c. 151. s. 28.

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(3.) No deduction shall be made from any wages or money in respect of wages for the cost of any timber used or any other expense incurred in propping the roof or side of any part of a coal and ironstone mine.

Every person who acts or knowingly permits any person to act in contravention of this section shall be deemed guilty of an offence against this Act.

Payment of persons employed in mines by weight, &c. 23 & 24 Vict. c. 151. s. 29.

12. Where the persons employed in any coal and ironstone mine are paid by the weight, measure, or gauge of the coal, ironstone, or other material gotten by them, such coal, ironstone, or other material shall be truly weighed, measured, or gauged accordingly.

The persons who are so employed may, at their own cost, station one of the persons for the time being employed in such mine at the place appointed for such weighing, measuring, or gauging, in order to take an account thereof, and to take an account of the weight, measure, or gauge used therein, on behalf of such persons by whom he is so stationed.

The person so stationed in this Act referred to as "a weigher" shall not be authorized in any way to impede or interrupt the working of the mine, or to interfere with the weighing, measuring, or gauging, but shall be authorized only to take such account as aforesaid, and the absence of such person shall not be a reason for interrupting or delaying such weighing, measuring, or gauging.

If the owner or agent of the mine desires the removal of a weigher on the ground that such weigher has impeded or interrupted the working of the mine, or interfered with the weighing, measuring, or gauging, or has otherwise misconducted himself, the owner or agent may apply to any justice of the peace, and in Scotland to any sheriff or sheriff substitute, who may, if he thinks that the owner or agent shows sufficient primâ facie grounds for the removal of such weigher, call upon such weigher to show cause against such removal. On the hearing of the case the court shall hear the parties, and if they think that at the hearing sufficient ground is shown by the owner or agent to justify the removal of such weigher (regard being had to the duties of the weigher towards the persons on whose behalf he is stationed), shall make an order for such removal, and the weigher shall thereupon be removed, but without prejudice to the stationing another person in his place.

The Court may in every case make such order as to the costs of the proceedings as they think just.

Inspection of weights and measures.

13. The inspector of weights and measures for the district appointed under the Act of the session of the fifth and sixth years

of the reign of King William the Fourth, chapter sixty-three, "to "repeal an Act of the fourth and fifth year of His present Majesty "relating to weights and measures, and to make other provisions "instead thereof," may from time to time, but without unnecessarily impeding or interrupting the working of such mine, inspect the weighing machines, weights, measures, and gauges used for such mine, and examine the same in manner directed by the said Act, but he shall have due regard to the weights, measures, and gauges ordinarily used in such mine. A.D. 1870.

III.—Coal and Ironstone Mines.

Safety.

14. After the commencement of this Act the owner or agent of a coal and ironstone mine shall not employ any person in such mine, or permit any person to be in such mine for the purpose of employment therein, unless there are in communication with every seam of such mine for the time being at work at least two shafts or outlets, separated by natural strata of not less than ten feet in breadth, by which shafts or outlets distinct means of ingress and egress are available to the persons employed in such seam, whether such two shafts or outlets belong to the same mine, or one or more of them belong to another mine. Prohibition of single shafts. 25 & 26 Vict. c. 79. s. 3.

Provided that such separation shall not be deemed incomplete by reason only that openings through the strata between the two shafts or outlets have been made for temporary purposes of ventilation, drainage, or otherwise.

This section shall not apply to opening a new mine for the purpose of searching for or proving minerals, or to any working for the purpose of making a communication between two or more shafts, so long as not more than *twenty* persons are employed below ground at any one time in the whole of the different seams in connection with each shaft in such new mine or such working.

15. Every award made in pursuance of any Act repealed by this Act, in consequence of which award an owner was exempted from the foregoing provision with respect to shafts or outlets, or was allowed time for providing the same, shall have the same effect as if it had been made in pursuance of like provisions in this Act. Saving for existing exemptions. 25 & 26 Vict. c. 79. s. 4.

16. If any owner or agent acts in contravention of, or fails to comply with any of the foregoing provisions with respect to shafts or outlets, he shall be guilty of an offence against this Act. Power to enforce compliance by injunction

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and penalty. 25 & 26 Vict. c. 79. s. 6.

Any of Her Majesty's superior courts of law or equity, whether any other proceedings have or have not been taken, may, upon the application of the Attorney General (or the Lord Advocate in Scotland), acting on behalf of the Secretary of State, prohibit by injunction or interdict the working of any mine in which any person is employed, or is permitted to be for the purpose of employment, in contravention of the foregoing provisions with respect to shafts or outlets, and may award such costs in the matter of the injunction or interdict as the court thinks just; but this section shall be without prejudice to any other remedy permitted by law for enforcing the provisions of this Act.

Agreements in contravention of Act illegal. 25 & 26 Vict. c. 79. s. 7.

17. No person shall be precluded by any agreement from doing such acts as may be necessary for providing a second shaft or outlet to a mine, where the same is required by this Act, or be liable under any agreement to any penalty or forfeiture for doing such acts as may be necessary in order to comply with the provisions of this Act with respect to shafts or outlets.

Regulations to be observed in coal and ironstone mines. 23 & 24 Vict. c. 151. s. 10.

18. The following regulations shall be observed in every coal and ironstone mine by the owner and agent thereof:

(1.) An amount of ventilation shall be constantly produced in every coal and ironstone mine adequate to dilute and render harmless noxious gases to such an extent that the working places of the pits, levels, and workings of every such mine, and the travelling roads to and from such working places, shall be in a fit state for working and passing therein;

Provided that no owner, agent, or other person shall be held to have acted in contravention of this regulation, if it is shown that all reasonable precautions have been taken by the owner, agent, or person who is so charged:

(2.) All entrances to any place not in actual course of working and extension, and suspected to contain dangerous gas of any kind, shall be properly fenced across the whole width of such entrance, so as to prevent access thereto:

(3.) In every working approaching any place where there is likely to be an accumulation of gas, no lamp or light shall shall be used other than a safety lamp:

(4.) Whenever safety lamps are required by these regulations or by the special rules (in this Act mentioned) to be used, they shall not be used until they have been first examined and securely locked by a competent person or persons duly authorized for this purpose:

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(5.) In any mine or part of a mine in which safety lamps are required by these regulations or the special rules to be used, no person shall use powder or other explosive or inflammable substance for the purpose of blasting or of getting coal or ironstone, except to the extent and in the manner authorized by the special rules:

(6.) Where a place is likely to contain a dangerous accumulation of water the working approaching such place shall not exceed *six* feet in width, and there shall be constantly kept a sufficient distance, not being less than *five* yards in advance, at least one bore-hole near the centre of the working, and sufficient flank bore-holes on each side:

(7.) Every underground plane on which persons travel, which is self-acting or worked by an engine, windlass, or gin, shall be provided (if exceeding fifty yards in length), with some proper means of signalling between the stopping places and the ends of the plane, and shall be provided in every case at one side or the other of such plane, at intervals of not more than twenty yards, either with sufficient man-holes (or places of refuge) or with a space (for a place of refuge) of sufficient length and of at least three feet in width between the waggons running on the tramroad in the plane and one side or the other of the plane, which man-holes or space shall be constantly kept clear:

(8.) Every level or inclined plane where the load is drawn by a horse or other animal shall be provided, at one side or other of the plane, at intervals of not more than *fifty* yards, either with sufficient man-holes or with a space of sufficient length and of at least *three* feet in width between the waggons running on the tramroad in the plane and one side or the other of such plane, which man-holes or space shall be constantly kept clear:

(9.) Every shaft or pit which for the time being is out of use, or used only as an air pit, shall be securely fenced:

(10.) Every working and pumping pit or shaft shall be properly fenced, but this shall not be taken to forbid the temporary removal of the fence for the purpose of repairs or other operations, if proper precautions are used:

(11.) Every working and pumping pit or shaft where the natural strata are not safe shall be securely cased or lined or otherwise made secure:

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(12.) Every working pit or shaft shall be provided with some proper means of communicating distinct and definite signals from the bottom of the shaft to the surface, and from the surface to the bottom of the shaft:

(13.) A sufficient cover overhead shall be used when lowering or raising persons in every working pit or shaft, except where it is worked by a windlass or gin, or where the person is employed about the pump or work of repair in the shaft, or where a written exemption is given by the inspector of the district:

(14.) A single linked chain shall not be used for lowering or raising persons in any working pit or shaft except for the short coupling chain attached to the cage or load:

(15.) There shall be attached to the drum of every machine used for lowering or raising persons flanges or horns projecting sufficiently to prevent the rope from slipping off the drum:

(16.) There shall be attached to every machine worked by steam, water, or mechanical power, and used for lowering or raising persons, an adequate break, and also a proper indicator (in addition to any mark on the rope) which shows to the person who works the machine the position of the cage or load in the pit or shaft:

(17.) Every part of the machinery used in or about the mine near to which persons are liable to be employed or to pass in the course of their employment in or about the mine, and which may be dangerous to such persons, shall be securely fenced so far as practicable:

(18.) Every steam boiler shall be provided with a proper steam gauge and water gauge, to show respectively the exact pressure of steam and the exact height of water in the boiler and with a proper safety valve:

(19.) A barometer and thermometer shall be placed above ground in a conspicuous position near the entrance to the mine.

If the owner or agent of a coal and ironstone mine acts in contravention of any of the foregoing regulations he shall be guilty of an offence against this Act.

Observance of regulations by workmen and others.

19. If any person does any of the following things; namely,

(1.) Being in any place where a safety lamp is required by this Act or by the special rules to be used, unlocks or wilfully damages any safety lamp, or uses any safety lamp which he knows to be defective:

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(2.) Wilfully damages or without proper authority removes any fence, fencing, or casing provided in compliance with this Act;

(3.) Wilfully damages, or without proper authority removes or renders useless any means of signalling, signal cover, chain, flange, horn, break, indicator, steam gauge, water gauge, safety valve, barometer or thermometer, or other thing in any coal and ironstone mine provided in pursuance of this Act;

(4.) Places anything in any place of refuge so as to prevent proper access thereto;

(5.) Fails to observe such directions with respect to working as may be given to him with a view to comply with the regulations respecting working contained in this Act or in the special rules;

he shall be guilty of an offence against this Act.

Special Rules.

Special rules. 25 & 26 Vict. c. 151. s. 11.

20. There shall be established in every coal and ironstone mine such rules (referred to in this Act as special rules) for the conduct and guidance of the persons acting in the management of such mine or employed in or about the same as, under the particular state and circumstances of such mine, may appear best calculated to prevent dangerous accidents, and to provide for the safety of the persons employed in or about the mine, and such special rules, when established, shall be observed in and about every such mine by whomsoever worked, in the same manner as if they were enacted in this Act.

Continuance of existing special rules. 25& 26 Vict. c. 151. s. 12.

21. The special rules which at the commencement of this Act are in force, under any Act hereby repealed, in any coal and ironstone mine, shall continue to be the special rules therein, and shall be of the same force and subject to be amended in the same manner as if they were established under this Act.

Establishment of new special rules. 25 & 26 Vict. c. 151. s. 13.

22. The owner or agent of every coal and ironstone mine in which special rules are not in force at the commencement of this Act shall frame and transmit to the inspector of the district, for approval by the Secretary of State, special rules for such mine within three months after the commencement (whether before or after the commencement of this Act) of any workings for the purpose of opening a new mine or of renewing the working of an old mine.

The special rules, during *two* weeks before being transmitted to the inspector, shall be posted up in the manner provided in this

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Act respecting the publication of special rules for the information of persons employed in the mine, and a certificate that they have been so posted up, signed by the owner or agent, shall be sent to the inspector with the special rules.

If the rules are not objected to by the Secretary of State within forty days after their receipt by the inspector, they shall be established.

Objection of Secretary of State to special rules. 23 & 24 Vict. c. 151. s. 13.

23. If the Secretary of State is of opinion that the special rules so transmitted, or any of them, do not sufficiently provide for the prevention of dangerous accidents in the mine, and for the safety of the persons employed in or about the mine, he may, within forty days after the special rules are received by the inspector, object to the rules, and propose to the owner or agent in writing any modifications in the rules by way either of alteration, substitution or addition.

If the owner or agent do not, within twenty days after the modifications proposed by the Secretary of State are received by him, object in writing to them, the special rules, with such modifications, shall be established.

If the owner or agent sends his objection in writing within the said twenty days to the Secretary of State, the matter shall be referred to arbitration, and the date of the receipt of such objection by the Secretary of State shall be deemed to be the date of the reference.

The rules shall be established as settled by an award on arbitration.

Amendment of special rules. 23 & 24 Vict. c. 151. c. 14.

24. After special rules are established the owner or agent of the mine may from time to time propose in writing to the inspector of the district, for the approval of the Secretary of State, any amendment of such rules or any new special rules, and the provisions of this Act with respect to the original special rules shall apply to all such amendments and new rules in like manner, as near as may be, as they apply to the original rules.

The Secretary of State may from time to time propose in writing to the owner or agent of the mine any amendment to the special rules or any new special rules, and the provisions of this Act with respect to a proposal of the Secretary of State for modifying the special rules transmitted by the owner or agent of a mine shall apply to all such amendments and new special rules in like manner, as near as may be, as they apply to such proposal.

Neglect of owner to make special rules.

25. If the owner or agent of any coal and ironstone mine fail within the time limited by this Act to transmit to the inspector

for the approval of the Secretary of State special rules for his mine, he shall be guilty of an offence against this Act. A.D. 1870.

26. For the purpose of making known the special rules and the provisions of this Act to all persons employed in and about each coal and ironstone mine, an abstract of the Act provided by the Secretary of State, and an entire copy of the special rules shall be published as follows: Publication of rules. 23 & 24 Vict. c. 151. s. 15.

(1.) The owner or agent of such mine shall cause such abstract and rules to be posted up on a board in easily legible characters, in some conspicuous place at or near the mine, and at the place where the persons employed immediately by the owner or agent are paid; and so often as the same become defaced, obliterated, or destroyed, shall cause them to be renewed with all reasonable despatch:

(2.) The owner or agent shall supply a printed copy of the abstract and special rules gratis to each person employed in or about the mine who applies for such copy at the office at which the persons immediately employed by such owner or agent are paid:

If any owner or agent fail to act in compliance with this section he shall be guilty of an offence against this Act.

Every person who pulls down, injures, or defaces any abstract or rules posted up in pursuance of this section, or any notice posted up in pursuance of the special rules, shall be guilty of an offence against this Act.

27. If the owner or agent of any coal and ironstone mine, or any person employed in or about such mine, acts in contravention of the special rules established for such mine, he shall be guilty of an offence against this Act. Offences against rules. 23 & 24 Vict. c. 151. s. 24.

Notices and Abandonment.

28. In any of the following cases, viz.: Notice of opening and abandonment of mine. 23 & 24 Vict. c. 151. s. 21.

(1.) Where any working is commenced for the purpose of opening a new coal and ironstone mine;

(2.) Where any coal and ironstone mine is abandoned or the working thereof discontinued;

(3.) Where the working of any coal and ironstone mine is recommenced after any abandonment or discontinuance which has existed for a period exceeding two months;

the owner or agent of such working or mine shall give notice thereof to the inspector of the district within two months after such

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commencement, recommencement, abandonment, or discontinuance, and if the owner or agent fail to give such notice he shall be guilty of an offence against this Act.

Fencing of abandoned mine. 23 & 24 Vict. c. 151. s. 21.

29. Where any coal and ironstone mine is abandoned or the working thereof discontinued, at whatever time such abandonment or discontinuance occurred the owner thereof shall cause the same to be and to be kept securely fenced for the prevention of accidents.

If any person fail to act in conformity with this section, he shall be guilty of an offence against this Act.

Notice of accidents in mines to inspector of district. 23 & 24 Vict. c. 151. s. 19.

30. Where in any coal and ironstone mine or any pits or shafts thereof, or any works above or below ground connected with such mine pits or shafts, either

(1.) loss of life or any personal injury to any person employed in or about the mine occurs by reason of any explosion of gas or of any steam boiler; or

(2.) loss of life or any serious personal injury to any person employed in or about the mine occurs by reason of any accident whatever,

the owner or agent of the mine shall, within twenty-four hours next after the explosion or accident, send notice in writing of the explosion or accident and of the loss of life or personal injury occasioned thereby to the inspector of the district, and shall specify in such notice the probable cause of the explosion or accident, and the number of persons killed and injured respectively.

Where any personal injury, of which notice is required to be sent under this section, results in the death of the person injured, notice in writing of the death shall be sent to the inspector of the district within twenty-four hours after such death comes to the knowledge of the owner or agent.

Every owner and agent who fails to act in compliance with this section shall be guilty of an offence against this Act.

Arbitration.

Provisions as to arbitrations. Cf. 23 & 24 Vict. c. 151. s. 13.

31. With respect to arbitrations under this Act, the following provisions shall have effect:

(1.) The parties to the arbitration are in this section deemed to be the owner or agent of the mine on the one hand, and the inspector of mines (on behalf of the Secretary of State) on the other:

(2.) Each of the parties to the arbitration may, within twenty-one days after the date of the reference, appoint an arbitrator:

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(3.) No person shall act as arbitrator or umpire under this Act who is employed in or in the management of or is interested in the mine to which the arbitration relates:

(4.) The appointment of an arbitrator under this section shall be in writing, and notice of the appointment shall be forthwith sent to the other party to the arbitration, and shall not be revoked without the consent of such other party:

(5.) If the owner dies all proceedings under this section shall be determined:

(6.) If within the said twenty-one days either of the parties fail to appoint an arbitrator, the arbitrator appointed by the other party may proceed to hear and determine the matter in difference, and in such case the award of the single arbitrator shall be final:

(7.) If before an award has been made any arbitrator appointed by either party die or become incapable to act, or for fourteen days refuse or neglect to act, to party by whom such arbitrator was appointed may appoint some other person to act in his place; and if he fail to do so within fourteen days after notice in writing from the other party to that purpose, the remaining arbitrator may proceed to hear and determine the matters in difference, and in such case the award of such single arbitrator shall be final:

(8.) In either of the foregoing cases where an arbitrator is empowered to act singly, upon one of the parties failing to appoint, the party so failing may, before the single arbitrator has actually proceeded in the arbitration, appoint an arbitrator, who shall then act as if no failure had been made:

(9.) If the arbitrators fail to make their award within twenty-one days after the day on which the last of them was appointed, or within such extended time (if any) as may have been appointed for that purpose by both arbitrators under their hands, the matter in difference shall be determined by the umpire appointed as herein-after mentioned:

(10.) The arbitrators, before they enter upon the matters referred to them, shall appoint by writing under their hands an umpire to decide on points on which they may differ:

(11.) If the umpire die or become incapable to act before he has made his award, or refuses to make his award within a reasonable time after the matter has been brought within his cognizance, the persons or person who appointed such

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umpire shall forthwith appoint another umpire in his place:

(12.) If the arbitrators fail or refuse or for seven days after the request of either party neglect to appoint an umpire, then on the application of either party an umpire shall be appointed in England by the chairman of the general or quarter sessions of the peace in and for the county, riding, or division in which the mine is situate, and in Scotland by the sheriff of the county or division of the county in which the mine is situate:

(13.) The decision of every umpire on the matters referred to him shall be final:

(14.) If a single arbitrator fail to make his award within twenty-one days after the day on which he was appointed, the party who appointed him may appoint another arbitrator to act in his place:

(15.) The arbitrators and their umpire or any of them may examine the parties and their witnesses on oath, they may also consult any counsel, engineer, or scientific person whom they may think it expedient to consult:

(16.) The payment, if any, to be made to any arbitrator or umpire for his services shall be fixed by the Secretary of State, and together with the costs of the arbitration shall be paid by the parties or one of them according as the award may direct. The amount, if any, payable by the Secretary of State shall be paid as part of the expenses of inspectors under this Act. The amount, if any, payable by the owner may in the event of nonpayment be recovered in the same manner as penalties under this Act.

IV.—Inspection.

Appointment of inspectors of mines. 5 & 6 Vict. c. 99. s. 3. 23 & 24 Vict. c. 151. s. 8.

32. The Secretary of State may from time to time appoint any fit persons to be inspectors of mines, and assign them their duties and may award them such salaries as the Commissioners of Her Majesty's Treasury may approve, and may remove such inspectors.

Notice of the appointment of every such inspector shall be published in the London Gazette.

Such inspectors are referred to in this Act as an inspector, and the inspector of a district means the inspector who is for the time being assigned to the district or portion of Great Britain with reference to which the term is used.

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Disqualification of persons as inspectors. 23 & 24 Vict. c. 151. s. 9.

33. Any person who practises or acts as a land agent, or as a manager, viewer, or agent, or mining engineer, or valuer of mines, or arbitrator in any differences arising between owners of mines, or is otherwise employed in or about any mine, shall not act as an inspector of mines under this Act.

Powers of inspectors. 5 & 6 Vict. c. 99. ss. 3, 5. 23 & 24 Vict. c. 151. ss. 16, 23.

34. An inspector under this Act shall have power to do all or any of the following things; namely,

(1.) To enter, inspect, and examine any mine, and the works and machinery belonging thereto, at all reasonable times by day and night, but so as not to impede or obstruct the working of the said mine:

(2.) To examine into and make inquiry respecting the state and condition of any mine, and the works and machinery connected therewith, and (in the case of a coal and ironstone mine) the ventilation of the mine, and the mode of lighting or using lights in the same, and all matters and things connected with or relating to the safety of the persons employed in or about the coal and ironstone mine:

(3.) To make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act relating to matters above ground or below ground are complied with in the case of any mine:

(4.) To exercise such other powers as are conferred by any part of this Act, or as may be necessary for carrying this Act into effect.

Every person who wilfully obstructs any inspector in the execution of this Act, and every owner and agent who refuses or neglects to furnish to the inspector the means necessary for making any entry, inspection, examination, or inquiry under this Act, shall be guilty of an offence against this Act.

Notice by inspectors of causes of danger not provided for by the rules. 23 & 24 Vict. c. 151. s. 17.

35. If in any respect (which is not provided against by any express provision of this Act, or by any special rule) any inspector find any coal and ironstone mine, or any part thereof, or any matter, thing, or practice in or connected with any such mine, to be dangerous or defective, so as in his opinion to threaten or tend to the bodily injury of any person, such inspector may give notice in writing thereof to the owner or agent of the mine, and shall state in such notice the particulars in which he considers such mine, or any part thereof, or any matter, thing, or practice, to be dangerous or defective, and require the same to be remedied. The inspector shall also report the same to the Secretary of State,

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If the owner or agent of the mine objects to remedy the matter complained of in the notice he may, within twenty days after the receipt of such notice, send his objection in writing, stating the grounds thereof, to the Secretary of State; and thereupon the matter shall be determined by arbitration in manner provided by this Act; and the date of the receipt of such objection shall be deemed to be the date of the reference.

If the owner or agent fail to comply either with the requisition of the notice, where no objection is sent within the time aforesaid, or with the award made on arbitration within twenty days after the expiration of the time for objection or the time of making of the award (as the case may be), he shall be guilty of an offence against this Act, and the notice and award shall respectively be deemed to be written notice of such offence:

Provided that the court, if satisfied that the owner or agent has taken active measures for remedying the same, but has not, with reasonable diligence, been able to complete the works, may adjourn any proceedings taken before them for punishing such offence, and, if the works are completed within a reasonable time, shall not inflict any penalty.

Maps and plans of mine. 23 & 24 Vict. c. 151. s. 18.

36. The owner or agent of every coal and ironstone mine shall keep an accurate map or plan of the workings of such mine, showing the workings up to at least six months previously.

The owner or agent shall produce to an inspector under this Act, at the mine, such map or plan, and shall, if requested by the inspector, mark on such map or plan the progress of the workings of the mine up to the time of such production, and shall allow the inspector to examine the same; but the inspector is not hereby authorized to make a copy of any part of such map or plan.

If the owner or agent refuses to produce and allow to be examined such map or plan, or withholds any portion of any map or plan, or conceals any part of the workings of his mine, or produces an imperfect or inaccurate map or plan, he shall be guilty of an offence against this Act; and, further, the inspector may, by notice in writing, (whether a penalty for such offence has or has not been inflicted,) require the owner or agent to cause an accurate map or plan, such as is prescribed by this section, to be made within a reasonable time, at the expense of the owner of the mine, on a scale of not less than two chains to one inch, or on such other scale as the plan then used in the mine is constructed on.

If the owner or agent fail within twenty days after the requisition of the inspector to make or cause to be made such map or plan, he shall be guilty of an offence against this Act.

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37. Where any coal and ironstone mine is abandoned, or the working thereof discontinued, the owner of such mine shall, within three months after such abandonment or discontinuance, send to the Secretary of State an accurate map or plan showing the workings and boundaries of such mine up to the time of the abandonment or discontinuance, or a copy of such map or plan, with the view of its being preserved under the care of the Secretary of State, but no person shall be entitled to see such map, plan, or copy when so sent until after the lapse of twenty years from the date of such abandonment or discontinuance, without the consent of the owner of the mine.

Maps of abandoned mines.

38. Every inspector under this Act shall make an annual report of his proceedings during the preceding year to the Secretary of State, which report shall be laid before both Houses of Parliament.

Report of inspector. 23 & 24 Vict. c. 151. s. 27.

V.—Supplemental.

Coroners.

39. With respect to coroners' inquests on deaths arising from explosions or accidents in coal and ironstone mines, the following provisions shall have effect:

Adjournment of coroners' inquests on deaths from accidents in mines. Cf. 23 & 24 Vict. c. 151. s. 20.

(1.) Where a coroner holds an inquest upon a body of any person whose death may have been caused by any explosion or accident, of which notice is required by this Act to be given to the inspector, the coroner shall adjourn such inquest unless an inspector, or some person on behalf of the Secretary of State, is present to watch the proceedings.

(2.) The coroner, at least four days before holding the adjourned inquest, shall send to the inspector for the district notice in writing of the time and place of holding the adjourned inquest.

(3.) The coroner, before the adjournment, may take evidence to identify the body, and may order the interment thereof.

(4.) If an explosion or accident has not occasioned more than one death, and the coroner has sent to the inspector of the district notice of the time and place of holding the inquest not less than forty-eight hours before the time of holding the same, it shall not be imperative on him to adjourn such inquest in pursuance of this section, if the majority of the jury think it unnecessary so to adjourn.

(5.) An inspector shall be at liberty at any such inquest to examine any witness, subject nevertheless to the order of the coroner.

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(6.) Where evidence is given at an inquest at which an inspector is not present of any neglect as having caused or contributed to the explosion or accident, or of any defect in or about the mine appearing to require a remedy, the coroner shall send to the inspector of the district notice in writing of such neglect or default.

(7.) Any person having a personal interest in, or employed in or in the magagement of any mine in which an explosion or accident has occurred shall not be qualified to serve on the jury by whom the inquest is held; and it shall be the duty of the coroner and constable or other officer not to summon any person disqualified under this provision, or allow any such person to be sworn or sit on the jury.

Penalties.

Penalty for offences against Act.

40. Every person employed in or about a mine, other than an owner or agent, who is guilty of any act or omission which in the case of an owner or agent would be an offence against this Act, shall be deemed guilty of an offence against this Act.

Every owner and every agent, and every person employed in or about a mine, who is guilty of an offence against this Act, shall be liable to a penalty not exceeding, if he is an owner or agent, *twenty* pounds, and if he is not an owner or agent, *two* pounds, for each offence; and if the inspector has given written notice of any such offence, to a further penalty not exceeding *one* pound for every day after such notice that such offence continues to be committed.

Every owner and agent and every person employed in the mine who is guilty of any offence against the Act which, in the opinion of the Court that tries the case, is one which tended to endanger the safety of the persons employed in or about the mine, or to cause injury to any such person, or to cause a dangerous accident, and was committed by the wilful act or default or wilful negligence of the person accused, shall be liable instead of a penalty to imprisonment, with or without hard labour, for a period not exceeding *three* months.

Every person who is guilty of any contravention of or non-compliance with any provision of this Act, which contravention or non-compliance is not expressly declared to be an offence, shall be liable to a penalty not exceeding *twenty* pounds for each offence.

Summary proceedings for offences, penalties, &c. 23 & 24 Vict. c. 151. s. 25.

41. Any offence and penalty under this Act,—and any money and costs by this Act directed to be recovered as a penalty is recoverable under this Act,—and any proceeding for the removal of a weigher,—may be prosecuted, recovered, and taken within three

months after the offence was committed or the cause of complaint arose, as follows:— A.D. 1870.

In England, before two justices of the peace in manner directed by the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties of justices "of the peace out of sessions within England and Wales with "respect to summary convictions and orders," and any Act amending the same. 27 & 28 Vict. c. 53.

In Scotland, in manner directed by The Summary Procedure Act, 1864. 11 & 12 Vict. c. 43.

In Ireland, in manner directed by the Petty Sessions (Ireland) Act, 1851, and any Act amending the same.

42. A person who is the owner or agent of any mine, or the father, son, or brother of such owner or agent, shall not act as a justice of the peace, sheriff, or magistrate in any case relating to such mine, or to the persons employed therein. Qualification of justices. 23 & 24 Vict. c. 151. s. 22.

43. Where a penalty is imposed under this Act for neglecting to send a notice of any explosion or accident or for any offence against this Act which has occasioned loss of life or personal injury, the Secretary of State may (if he think fit) direct such penalty to be paid to or distributed among the person or persons injured, or the relatives of any person or persons whose death may have been occasioned by such explosion, accident, or offence. Application of penalties. 23 & 24 Vict. c. 151. s. 25.

Provided that—

(1.) Such person or persons did not in his opinion occasion or contribute to occasion the explosion or accident, and did not commit and was not a party to committing the offence;

(2.) The fact of such payment or distribution shall not in any way affect or be receivable as evidence in any legal proceeding relative to or consequential on such explosion, accident, or offence;

Save as aforesaid, all penalties imposed in pursuance of this Act shall be paid into the receipt of Her Majesty's Exchequer, and shall be carried to the Consolidated Fund.

Miscellaneous.

44. An inspector under this Act shall, when required, certify a copy which is shown to his satisfaction to be a true copy of any special rules, which for the time being are established under this Act in any coal and ironstone mine, and a copy so Certified copy of special rules. 23 & 24 Vict. c. 151. s. 26.

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certified shall be evidence (but not to the exclusion of other proof) of such special rules and of the fact that they are duly established under this Act.

Notices may be served by post.

45. All notices under this Act shall be in writing or print, or partly in writing and partly in print, and all notices and documents required by this Act to be served or sent may be either delivered personally, or served and sent by post, by a prepaid letter, and, if sent by post, shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service or sending it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post.

Existing inspectors.

46. The persons who at the commencement of this Act are acting as inspectors under the Acts hereby repealed shall continue to act in the same manner as if they had been appointed under this Act.

Provided that such inspectors, until otherwise directed by the Secretary of State under this Act, shall inspect only such mines as they have respectively power to inspect under the Acts hereby repealed.

Repeal.

47. The Acts described in the Schedule to this Act are hereby repealed.

Provided that this repeal shall not affect anything done or suffered before the commencement of this Act, and all offences committed and penalties incurred before the commencement of this Act may be punished and recovered in the same manner as if this Act had not passed.

SCHEDULE.

Date of Act.	Title of Act.
5 & 6 Vict. c. 99. -	An Act to prohibit the employment of women and girls in mines and collieries, to regulate the employment of boys, and to make other provisions relating to persons working therein.
23 & 24 Vict. c. 151. -	An Act for the regulation and inspection of mines.
25 & 26 Vict. c. 79. -	An Act to amend the law relating to coal mines.

Inspection.

A

B I L L

To consolidate and amend the Acts relating to the Regulation and Inspection of Mines.

(*Prepared and brought in by Mr. Secretary Bruce and Mr. Knatchbull-Hugessen.*)

Ordered, by The House of Commons, *to be Printed* 10 *February* 1870.

[Bill 12.]

Under 3 *oz.*

Mines Regulation and Inspection Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Preliminary.

Clause.

1. Short title.
2. Extent of Act.
3. Commencement of Act.
4. Interpretation of terms.

I.—Mines in general.

Employment of Women and Children, &c.

5. Employment of women and children in mines.
6. Employment of male young persons in mines.
7. Employment of women, young persons, and children above ground about mines.
8. Register of male young persons employed in mines.
9. Employment of young persons under 18 about engines.
10. Penalty for employment of persons contrary to Act.

II.—Wages.

11. Payment of wages at public houses, &c.
12. Payment of persons employed in mines by weight, &c.
13. Inspection of weights and measures.

III.—Safety.

Single Shafts.

14. Prohibition of single shafts.
15. Saving for existing exemptions.
16. Power to enforce compliance by injunction and penalty.
17. Agreements in contravention of Act illegal.
18. Exceptions from provisions as to single shafts.

General Regulations.

Clause.

19. Regulations to be observed in all mines.
20. Regulations to be observed in coal mines.
21. Regulations to be observed in mine not coal mine.
22. Observance of regulations by workmen and others.

Special Rules.

23. Special rules.
24. Continuance of existing special rules.
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26. Objection of Secretary of State to special rules.
27. Amendment of special rules.
28. Neglect of owner to make special rules.
29. Publication of rules.
30. Offences against rules.

Notices and Abandonment.

31. Notice of opening and abandonment of mine.
32. Fencing of abandoned mine.
33. Notice of accidents in mines to inspector of district.

Arbitration.

34. Provisions as to arbitrations.

IV.—Inspection.

35. Appointment of inspectors of mines.
36. Disqualification of persons as inspectors.
37. Powers of inspectors.
38. Notice by inspectors of causes of danger not provided for by the rules.
39. Maps and plans of mine.
40. Maps of abandoned mines.
41. Report of inspector.

V.—Supplemental.

Coroners.

Clause.
42. Adjournment of coroners' inquests on deaths from accidents in mines.

Penalties.

43. Penalty for offences against Act.
44. Summary proceedings for offences, penalties, &c.
45. Persons not to be punished twice for the same offence.
46. Qualification of justices.
47. Application of penalties.

Miscellaneous.

48. Certified copy of special rules.
49. Notices may be served by post.
50. Application of Act to ironstone and shale mines.
51. Existing inspectors.
52. Repeal.

Schedule.

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Consolidate and amend the Acts relating to the Regulation and Inspection of Mines. A.D. 1870.

WHEREAS it is expedient to consolidate and amend the law relating to the regulation and inspection of mines:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited as "The Mines Regulation Act, 1870." Short title.

2. This Act, so far as it applies to coal mines, shall not apply to Ireland. Extent of Act.

3. This Act shall not come into operation until the first of January one thousand eight hundred and seventy-one, which date is in this Act referred to as the commencement of this Act. Commencement of Act.

4. In this Act, unless the context otherwise requires,— Interpretation of terms. 23 & 24 Vict. c. 151. s. 7.

The term "mine" includes mines of every description, and every shaft in the course of being sunk, and every level or inclined plane in the course of being driven for commencing or opening any mine, or for searching for or proving minerals, and all the pits, shafts, levels, planes, works, machinery, tramways, and sidings, both below ground and above ground, in and adjacent to a mine or any such shaft, level, or inclined plane:

The term "owner" means the immediate proprietor, or lessee, or occupier of any mine, or of any part thereof, and does not include a person who merely receives a royalty from a mine:

The term "agent" means any person having, on behalf of the owner, care or direction of any mine, or of any part thereof:

The term "Secretary of State" means one of Her Majesty's Principal Secretaries of State:

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The term "court" includes any justices, sheriff, sheriff substitute, and magistrate exercising jurisdiction with respect to matters in this Act.

I.—Mines in general.

Employment of Women and Children, &c.

Employment of women and children in mines. 5 & 6 Vict. c. 99. ss. 1–4. 23 & 24 Vict. c. 151. ss. 1, 2.

5. No child under the age of twelve years, and no woman above that age, shall be employed in or allowed to be for the purpose of employment in any mine below ground.

Employment of male young persons in mines.

6. No male young person under the age of sixteen and above the age of twelve years shall be employed in or allowed to be for the purpose of employment in any mine below ground, except—

(1.) If under the age of fourteen years, for more than fifty hours in any one week;

(2.) If of the age of fourteen years or upwards, for more than fifty-six hours in any one week;

and except in accordance with the following regulations; that is to say,

(1.) The period of each employment for the purposes of this section shall be deemed to begin at the time of leaving the bank, and to end at the time of returning to the bank:

(2.) A week for the purposes of this section shall be deemed to begin at midnight on Sunday night, and to end at midnight on the succeeding Saturday night:

(3.) An interval of not less than twelve hours shall be allowed between each period of employment, and intervals of not less than one hour shall be allowed for meals during each period of employment which exceeds five hours, and of one and a half hours during each period of employment which exceeds ten hours:

(4.) Each period of employment shall not exceed fourteen hours.

Employment of women, young persons, and children above ground about mines. 31 & 32 Vict. c. 146.

7. The provisions of the Workshop Regulation Act, 1867, shall extend to all women, young persons, and children employed above ground in connexion with any mine, in the same manner as if the place in which they are so employed were a workshop within the meaning of that Act, and they were employed in a handicraft.

Register of male young persons employed in mines.

8. The owner or agent of every mine shall provide at the principal office or at an office at or near the mine a register, and shall cause to be entered in such register the name, age, residence, and

date of first employment of all male young persons under the age of sixteen years who are employed in the mine below ground.

Such register shall be produced at all reasonable times for examination by an inspector under this Act.

Employment of young persons under 18 about engines. 5 & 6 Vict. c. 99. s. 9. 23 & 24 Vict. c. 151. s. 4.

9. Where there is a vertical shaft or pit or an inclined or horizontal plane in any mine, whether for the purpose of an entrance to such mine or of a communication from one part to another part of such mine, and persons are taken up or down or along such vertical shaft or pit or inclined or horizontal plane by means of any engine, windlass, or gin, driven or worked by steam or any mechanical power, or by an animal, or by manual labour, a person shall not be allowed to have charge of such engine, windlass, or gin, or of any part of the machinery, ropes, chains, or tackle connected therewith, unless he is a male,

(*a*) if the engine, windlass, or gin is worked by steam or mechanical power, of at least eighteen years of age;

(*b*) if it is worked by an animal or by manual labour, of at least fifteen years of age.

Where the engine, windlass, or gin is worked by an animal, the person under whose direction the driver of the animal acts shall, for the purposes of this section, be deemed to be the person in charge of the engine, windlass, or gin.

Penalty for employment of persons contrary to Act. 5 & 6 Vict. c. 99. s. 6.

10. If the owner or agent of any mine acts or permits any person to act in contravention of any provision of this Act with respect to the employment of women, young persons, or children, or to the register of male young persons, or to the employment of persons about any engine, windlass, or gin, he shall be guilty of an offence against this Act.

If it appears that a child or young person, or a person employed about an engine, windlass, or gin, was employed on the representation of his parent or guardian that he was above the age prescribed by this Act, and under the belief in good faith that he was above that age, the employer shall be exempted from any penalty, and the parent or guardian shall, for such misrepresentation, be deemed guilty of an offence against this Act.

II.—Wages.

Payment of wages at public-houses, &c. 5 & 6 Vict. c. 99. ss. 10–22. 23 & 24 Vict. c. 151. s. 28.

11. With respect to the payment of wages to persons employed in or about any mine the following regulations shall be observed by every owner and agent of such mine:

(1.) No wages or money in respect of wages shall be paid to any person at or within any public house, beer shop, or place

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for the sale of exciseable liquors, or other house of entertainment, or any office, garden, or place belonging or contiguous thereto, or occupied therewith:

23 & 24 Vict. c. 151. s. 28.

(2). All wages and money in respect of wages shall be paid in money by the immediate employer of the persons to whom the same are payable, or his agent, at an office which is appointed by him for the purpose, and is situate in conformity with the foregoing provisions of this section, and is notified in manner prescribed by the special rules (if any) of the mine:

(3.) No deduction shall be made from any wages or money in respect of wages for the cost of any timber used or any other expense incurred in propping the roof or side of any part of a mine.

Every person who acts or knowingly permits any person to act in contravention of this section shall be deemed guilty of an offence against this Act.

Payment of persons employed in mines by weight, &c. 23 & 24 Vict. c. 151. s. 29.

12. Where the persons employed in any coal mine are paid by the weight, measure, or gauge of the coal or other material gotten by them, such coal or other material shall be truly weighed, measured, or gauged accordingly.

The persons who are so employed may, at their own cost, station one of the persons for the time being employed in such mine at the place appointed for such weighing, measuring, or gauging, in order to take an account thereof, and to take an account of the weight, measure, or gauge used therein, on behalf of such persons by whom he is so stationed.

The person so stationed in this Act referred to as "a weigher" shall not be authorized in any way to impede or interrupt the working of the mine, or to interfere with the weighing, measuring, or gauging, but shall be authorized only to take such account as aforesaid, and the absence of such person shall not be a reason for interrupting or delaying such weighing, measuring, or gauging.

If the owner or agent of the mine desires the removal of a weigher on the ground that such weigher has impeded or interrupted the working of the mine, or interfered with the weighing, measuring, or gauging, or has otherwise misconducted himself, the owner or agent may apply to any justice of the peace, and in Scotland to any sheriff or sheriff substitute, who may, if he thinks that the owner or agent shows sufficient primâ facie grounds for the removal of such weigher, call upon such weigher to show cause against such removal. On the hearing of the case the court shall hear the parties, and if they think that at the hearing sufficient

ground is shown by the owner or agent to justify the removal of such weigher shall make an order for such removal, and the weigher shall thereupon be removed, but without prejudice to the stationing another person in his place. A.D. 1870.

The Court may in every case make such order as to the costs of the proceedings as they think just.

13. The inspector of weights and measures for the district appointed under the Act of the session of the fifth and sixth years of the reign of King William the Fourth, chapter sixty-three, "to repeal an Act of the fourth and fifth year of His present Majesty "relating to weights and measures, and to make other provisions "instead thereof," may from time to time, but without unnecessarily impeding or interrupting the working of such mine, inspect the weighing machines, weights, measures, and gauges used for such mine, and examine the same in manner directed by the said Act, but he shall have due regard to the weights, measures, and gauges ordinarily used in such mine. Inspection of weights and measures.

III.—Safety.

Single Shafts.

14. After the commencement of this Act the owner or agent of a coal mine shall not employ any person in such mine, or permit any person to be in such mine for the purpose of employment therein, unless there are in communication with every seam of such mine for the time being at work at least two shafts or outlets, separated by natural strata of not less than ten feet in breadth, by which shafts or outlets distinct means of ingress and egress are available to the persons employed in such seam, whether such two shafts or outlets belong to the same mine, or one or more of them belong to another mine. Prohibition of single shafts. 25 & 26 Vict. c. 79. s. 3.

Provided that such separation shall not be deemed incomplete by reason only that openings through the strata between the two shafts or outlets have been made for temporary purposes of ventilation, drainage, or otherwise.

15. Every award made in pursuance of any Act repealed by this Act, in consequence of which award an owner was exempted from the foregoing provision with respect to shafts or outlets, or was Saving for existing exemptions. 25 & 26 Vict. c. 79. s. 4.

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allowed time for providing the same, shall have the same effect as if it had been made in pursuance of like provisions in this Act.

Power to enforce compliance by injunction and penalty. 25 & 26 Vict. c. 79. s. 6.

16. If any owner or agent acts in contravention of, or fails to comply with any of the foregoing provisions with respect to shafts or outlets, he shall be guilty of an offence against this Act.

Any of Her Majesty's superior courts of law or equity, whether any other proceedings have or have not been taken, may, upon the application of the Attorney General (or the Lord Advocate in Scotland), acting on behalf of the Secretary of State, prohibit by injunction or interdict the working of any mine in which any person is employed, or is permitted to be for the purpose of employment, in contravention of the foregoing provisions with respect to shafts or outlets, and may award such costs in the matter of the injunction or interdict as the court thinks just; but this section shall be without prejudice to any other remedy permitted by law for enforcing the provisions of this Act.

Agreements in contravention of Act illegal. 25 & 26 Vict. c. 79. s. 7.

17. No person shall be precluded by any agreement from doing such acts as may be necessary for providing a second shaft or outlet to a mine, where the same is required by this Act, or be liable under any agreement to any penalty or forfeiture for doing such acts as may be necessary in order to comply with the provisions of this Act with respect to shafts or outlets.

Exceptions from provisions as to single shafts.

18. The provisions of this Act with respect to shafts or outlets shall not apply in the following cases; that is to say:

(1.) In the case of opening a new mine for the purpose of searching for or proving minerals, or of any working for the purpose of making a communication between two or more shafts, so long as not more than twenty persons are employed below ground at any one time in the whole of the different seams in connexion with each shaft in such new mine or such working.

(2.) In the case of a seam in any coal mine having two shafts or outlets as required by this Act where such seam has reached the boundary of the property or other extremity of the mine, and it is expedient or proper to work away the pillars formed in such seam in the course of the ordinary working of the coal, and by reason of such working away of the pillars the communication of such seam with one of the two shafts or outlets is closed so long as not more than twenty persons are employed at any

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one time in such seam, or if there is in the same mine more than one seam so closed in all the seams so closed.

(3.) In the case of any newly proved mine exempted in writing by the Secretary of State on the ground that the quantity of mineral proved is not sufficient to repay the outlay which would be occasioned by the sinking of a second shaft or outlet, so long as not more than twenty persons are employed below ground at any one time in the whole of the different seams in connexion with the shaft in any such mine:

(4.) In the case of any mine of shale in the shaft of which the brattice is made of brick or stone up to such point in the shaft as may be fixed by an inspector:

Provided that if the owner or agent of the mine object to the decision of the inspector, or the refusal of an exemption by the Secretary of State under this section, he may send such objection in writing to the Secretary of State, stating the grounds of his objection, and the matter shall be referred to arbitration in manner provided by this Act, and the date of the receipt of the objection by the Secretary of State shall be deemed to be the date of the reference.

General Regulations.

19. The following regulations shall be observed in every mine by the owner and agent thereof:

Regulations to be observed in all mines. 23 & 24 Vict. c. 151. s. 10.

(1.) Every working and pumping pit or shaft where the natural strata are not safe shall be securely cased or lined or otherwise made secure:

(2.) Every working, pit, and shaft of every mine in which machinery is used for the purpose of lowering or raising persons, and every working, pit, or shaft of every coal mine, shall, if exceeding fifty yards in depth, and not exempted in writing by the inspector of the district, be provided with some proper means of communicating distinct and definite signals from the bottom of the shaft to the surface, and from the surface to the bottom of the shaft:

(3.) A sufficient cover overhead shall be used when lowering or raising persons in every working, pit, or shaft, except where it is worked by a windlass or gin, or where the person is employed about the pump or work of repair in the shaft, or where a written exemption is given by the inspector of the district:

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(4.) A single linked chain shall not be used for lowering or raising persons in any working pit or shaft or plane except for the short coupling chain attached to the cage or load:

(5.) There shall be attached to the drum of every machine used for lowering or raising persons flanges or horns projecting sufficiently to prevent the rope from slipping off the drum:

(6.) There shall be attached to every machine worked by steam, water, or mechanical power, and used for lowering or raising persons, an adequate break, and also a proper indicator (in addition to any mark on the rope) which shows to the person who works the machine the position of the cage or load in the pit or shaft:

(7.) Every part of the machinery used in or about the mine near to which persons are liable to be employed or to pass in the course of their employment in or about the mine, and which may be dangerous to such persons, shall be securely fenced so far as practicable:

(8.) Every steam boiler shall be provided with a proper steam gauge and water gauge, to show respectively the exact pressure of steam and the exact height of water in the boiler and with a proper safety valve.

Regulations to be observed in coal mines. 23 & 24 Vict. c. 151. s. 10.

20. The following regulations shall be observed in every coal mine by the owner and agent thereof:

(1.) An amount of ventilation shall be constantly produced in every coal and ironstone mine adequate (except in contingencies which cannot be provided against by reasonable precautions) to dilute and render harmless noxious gases to such an extent that the working places of the pits, levels, and workings of every such mine, and the travelling roads to and from such working places, shall be in a fit state for working and passing therein:

(2.) All entrances to any place not in actual course of working and extension, and suspected to contain dangerous gas of any kind, shall be properly fenced across the whole width of such entrance, so as to prevent access thereto:

(3.) In every working approaching any place where there is likely to be an accumulation of explosive gas, no lamp or light shall be used other than a safety lamp:

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(4.) Whenever safety lamps are required by these regulations or by the special rules (in this Act mentioned) to be used, they shall not be used until they have been first examined and securely locked by a competent person or persons duly authorized for this purpose:

(5.) In any mine or part of a mine in which safety lamps are required by these regulations or the special rules to be used, no person shall use powder or other explosive or inflammable substance for the purpose of blasting or of getting coal, except to the extent and in the manner authorized by the special rules:

(6.) Where a place is likely to contain a dangerous accumulation of water the working approaching such place shall not exceed eight feet in width, and there shall be constantly kept a sufficient distance, not being less than five yards in advance, at least one bore-hole near the centre of the working, and sufficient flank bore-holes on each side:

(7.) Every underground plane on which persons travel, which is self-acting or worked by an engine, windlass, or gin, shall be provided (if exceeding fifty yards in length), with some proper means of signalling between the stopping places and the ends of the plane, and shall be provided in every case at one side or the other of such plane, at intervals of not more than twenty yards, either with sufficient man-holes (or places of refuge) or with a space (for a place of refuge) of sufficient length and of at least three feet in width between the waggons running on the tramroad in the plane and one side or the other of the plane, which man-holes or space shall be constantly kept clear:

(8.) Every level or inclined plane where the load is drawn by a horse or other animal shall be provided, at one side or other of the plane, at intervals of not more than fifty yards, either with sufficient man-holes or with a space of sufficient length and of at least three feet in width between the waggons running on the tramroad in the plane and one side or the other of such plane, which man-holes or space shall be constantly kept clear:

(9.) Every shaft or pit which for the time being is out of use, or used only as an air pit, shall be securely fenced:

(10.) Every working and pumping pit or shaft shall be properly fenced, this but shall not be taken to forbid the temporary

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removal of the fence for the purpose of repairs or other operations, if proper precautions are used :

(11.) A barometer and thermometer shall be placed above ground in a conspicuous position near the entrance to the mine.

If the owner or agent of a coal mine acts in contravention of any of the foregoing regulations he shall be guilty of an offence against this Act.

Regulations to be observed in mine not coal mine.

21. The following regulations shall be observed in every mine not being a coal mine by the owner and agent thereof:

(1.) An amount of ventilation shall be constantly produced in every such mine adequate to render the working places of the pits, levels, and workings of every such mine, and the travelling roads to and from such working places, in a fit state for working and passing therein.

(2.) Sufficient accommodation shall be provided above ground, near the entrance of every such mine, for enabling every person employed in the mine to conveniently dry and change his dress.

(3.) In charging holes for blasting in any such mine, iron tamping rods shall not be used for getting the wadding and the first part of the stemming fairly bedded on the powder, and iron prickers shall not be used.

If the owner or agent of any mine other than a coal mine acts in contravention of any of the foregoing regulations he shall be guilty of an offence against this Act.

Observance of regulations by workmen and others.

22. If any person does any of the following things in any mine; namely,

(1.) Being in any place where a safety lamp is required by this Act or by the special rules to be used, unlocks or wilfully damages any safety lamp, or uses any safety lamp which he knows to be defective, or has, without proper authority, in his possession any key or contrivance of any kind for opening the lock of any safety lamp, or any lucifer match or apparatus of any kind for striking a light.

(2.) Wilfully damages or without proper authority removes any fence, fencing, or casing provided in compliance with this Act;

(3.) Wilfully damages, or without proper authority removes or renders useless any means of signalling, signal cover, chain, flange, horn, break, indicator, steam gauge, water gauge, safety valve, barometer or thermometer, or other thing provided in any mine in pursuance of this Act;

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(4.) Places anything in any place of refuge so as to prevent proper access thereto;

(5.) Fails to observe such directions with respect to working as may be given to him with a view to comply with the regulations respecting working contained in this Act or in the special rules (if any);

he shall be guilty of an offence against this Act.

Special Rules.

Special rules. 25 & 26 Vict. c. 151. s. 11.

23. There shall be established in every coal mine such rules (referred to in this Act as special rules) for the conduct and guidance of the persons acting in the management of such mine or employed in or about the same as, under the particular state and circumstances of such mine, may appear best calculated to prevent dangerous accidents, and to provide for the safety of the persons employed in or about the mine, and such special rules, when established, shall be observed in and about every such mine by whomsoever worked, in the same manner as if they were enacted in this Act.

Continuance of existing special rules. 25& 26 Vict. c 151. s. 12.

24. The special rules which at the commencement of this Act are in force, under any Act hereby repealed, in any coal mine, shall continue to be the special rules therein, and shall be of the same force and subject to be amended in the same manner as if they were established under this Act.

Establishment of new special rules. 25 & 26 Vict. c. 151. s. 13.

25. The owner or agent of every coal mine in which special rules are not in force at the commencement of this Act shall frame and transmit to the inspector of the district, for approval by the Secretary of State, special rules for such mine within three months after the commencement of this Act or within three months after the commencement (if subsequent to the commencement of this Act) of any workings for the purpose of opening a new mine or of renewing the working of an old mine.

The special rules, during two weeks before being transmitted to the inspector, shall be posted up in the manner provided in this Act respecting the publication of special rules for the information of persons employed in the mine, and a certificate that they have been so posted up, signed by the owner or agent, shall be sent to the inspector with the special rules.

If the rules are not objected to by the Secretary of State within forty days after their receipt by the inspector, they shall be established.

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Objection of Secretary of State to special rules. 23 & 24 Vict. c. 151. s. 13.

26. If the Secretary of State is of opinion that the special rules so transmitted, or any of them, do not sufficiently provide for the prevention of dangerous accidents in the mine, and for the safety of the persons employed in or about the mine, he may, within forty days after the special rules are received by the inspector, object to the rules, and propose to the owner or agent in writing any modifications in the rules by way either of alteration, substitution or addition.

If the owner or agent do not, within twenty days after the modifications proposed by the Secretary of State are received by him, object in writing to them, the special rules, with such modifications, shall be established.

If the owner or agent sends his objection in writing within the said twenty days to the Secretary of State, the matter shall be referred to arbitration, and the date of the receipt of such objection by the Secretary of State shall be deemed to be the date of the reference.

The rules shall be established as settled by an award on arbitration.

Amendment of special rules. 23 & 24 Vict. c. 151. c. 14.

27. After special rules are established the owner or agent of the mine may from time to time propose in writing to the inspector of the district, for the approval of the Secretary of State, any amendment of such rules or any new special rules, and the provisions of this Act with respect to the original special rules shall apply to all such amendments and new rules in like manner, as near as may be, as they apply to the original rules.

The Secretary of State may from time to time propose in writing to the owner or agent of the mine any new special rules, or any amendment to the special rules, and the provisions of this Act with respect to a proposal of the Secretary of State for modifying the special rules transmitted by the owner or agent of a mine shall apply to all such new special rules and amendments in like manner, as near as may be, as they apply to such proposal.

Neglect of owner to make special rules.

28. If the owner or agent of any coal mine fail within the time limited by this Act to transmit to the inspector for the approval of the Secretary of State special rules for his mine, he shall be guilty of an offence against this Act.

Publication of rules. 23 & 24 Vict. c. 151. s. 15.

29. For the purpose of making known the special rules (if any) and the provisions of this Act to all persons employed in and about each mine, an abstract of the Act supplied, on the application of the owner or agent of the mine, by the Secretary of State, and

an entire copy of the special rules (if any) shall be published as follows:

(1.) The owner or agent of such mine shall cause such abstract and such rules (if any) to be posted up on a board in easily legible characters, in some conspicuous place at or near the mine, and at the place where the persons employed immediately by the owner or agent are paid; and so often as the same become defaced, obliterated, or destroyed, shall cause them to be renewed with all reasonable despatch:

(2.) The owner or agent shall supply a printed copy of the abstract and the special rules (if any) gratis to each person employed in or about the mine who applies for such copy at the office at which the persons immediately employed by such owner or agent are paid:

If any owner or agent fail to act in compliance with this section he shall be guilty of an offence against this Act.

Every person who pulls down, injures, or defaces any abstract or rules posted up in pursuance of this section, or any notice posted up in pursuance of the special rules, shall be guilty of an offence against this Act.

Offences against rules. 23 & 24 Vict. c. 151. s. 24.

30. If the owner or agent of any mine, or any person employed in or about such mine, acts in contravention of the special rules established for such mine, he shall be guilty of an offence against this Act.

Notices and Abandonment.

Notice of opening and abandonment of mine. 23 & 24 Vict. c. 151. s. 21.

31. In any of the following cases, viz.:

(1.) Where any working is commenced for the purpose of opening a new mine;

(2.) Where any mine is abandoned or the working thereof discontinued;

(3.) Where the working of any mine is recommenced after any abandonment or discontinuance which has existed for a period exceeding two months;

(4.) Where any change occurs in the name of the mine, or in the name of the firm owning the mine;

the owner or agent of such working or mine shall give notice thereof to the inspector of the district within two months after such commencement, recommencement, abandonment, discontinuance, or change, and if the owner or agent fail to give such notice he shall be guilty of an offence against this Act.

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Fencing of abandoned mine. 23 & 24 Vict. c. 151. s. 21.

32. Where any mine is abandoned or the working thereof discontinued, at whatever time such abandonment or discontinuance occurred, the owner thereof shall cause the same to be and to be kept securely fenced for the prevention of accidents.

If any person fail to act in conformity with this section, he shall be guilty of an offence against this Act.

Notice of accidents in mines to inspector of district. 23 & 24 Vict. c. 151. s. 19.

33. Where in or about any mine, as before defined, whether above or below ground, either

(1.) loss of life or any personal injury to any person employed in or about the mine occurs by reason of any explosion of gas, powder, or of any steam boiler; or

(2.) loss of life or any serious personal injury to any person employed in or about the mine occurs by reason of any accident whatever,

the owner or agent of the mine shall, within twenty-four hours next after the explosion or accident, send notice in writing of the explosion or accident and of the loss of life or personal injury occasioned thereby to the Secretary of State, and shall specify in such notice the probable cause of the explosion or accident, and the number of persons killed and injured respectively.

Where any personal injury, of which notice is required to be sent under this section, results in the death of the person injured, notice in writing of the death shall be sent to the Secretary of State, within twenty-four hours after such death comes to the knowledge of the owner or agent.

Every owner and agent who fails to act in compliance with this section shall be guilty of an offence against this Act.

Notices under this section shall, where there is an inspector of the district, be sent to that inspector.

Arbitration.

Provisions as to arbitrations. Cf. 23 & 24 Vict. c. 151. s. 13.

34. With respect to arbitrations under this Act, the following provisions shall have effect:

(1.) The parties to the arbitration are in this section deemed to be the owner or agent of the mine on the one hand, and the inspector of mines (on behalf of the Secretary of State) on the other:

(2.) Each of the parties to the arbitration may, within twenty-one days after the date of the reference, appoint an arbitrator:

(3.) No person shall act as arbitrator or umpire under this Act who is employed in or in the management of or is interested in the mine to which the arbitration relates:

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(4.) The appointment of an arbitrator under this section shall be in writing, and notice of the appointment shall be forthwith sent to the other party to the arbitration, and shall not be revoked without the consent of such other party:

(5.) If the owner dies all proceedings under this section shall be determined:

(6.) If within the said twenty-one days either of the parties fail to appoint an arbitrator, the arbitrator appointed by the other party may proceed to hear and determine the matter in difference, and in such case the award of the single arbitrator shall be final:

(7.) If before an award has been made any arbitrator appointed by either party die or become incapable to act, or for fourteen days refuse or neglect to act, the party by whom such arbitrator was appointed may appoint some other person to act in his place; and if he fail to do so within fourteen days after notice in writing from the other party to that purpose, the remaining arbitrator may proceed to hear and determine the matters in difference, and in such case the award of such single arbitrator shall be final:

(8.) In either of the foregoing cases where an arbitrator is empowered to act singly, upon one of the parties failing to appoint, the party so failing may, before the single arbitrator has actually proceeded in the arbitration, appoint an arbitrator, who shall then act as if no failure had been made:

(9.) If the arbitrators fail to make their award within twenty-one days after the day on which the last of them was appointed, or within such extended time (if any) as may have been appointed for that purpose by both arbitrators under their hands, the matter in difference shall be determined by the umpire appointed as herein-after mentioned:

(10.) The arbitrators, before they enter upon the matters referred to them, shall appoint by writing under their hands an umpire to decide on points on which they may differ:

(11.) If the umpire die or become incapable to act before he has made his award, or refuses to make his award within a reasonable time after the matter has been brought within his cognizance, the persons or person who appointed such umpire shall forthwith appoint another umpire in his place:

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(12.) If the arbitrators fail or refuse or for seven days after the request of either party neglect to appoint an umpire, then on the application of either party an umpire shall be appointed in England or Ireland by the chairman of the general or quarter sessions of the peace in and for the county, riding, or division in which the mine is situate, and in Scotland by the sheriff of the county or division of the county in which the mine is situate:

(13.) The decision of every umpire on the matters referred to him shall be final:

(14.) If a single arbitrator fail to make his award within twenty-one days after the day on which he was appointed, the party who appointed him may appoint another arbitrator to act in his place:

(15.) The arbitrators and their umpire or any of them may examine the parties and their witnesses on oath, they may also consult any counsel, engineer, or scientific person whom they may think it expedient to consult:

(16.) The payment, if any, to be made to any arbitrator or umpire for his services shall be fixed by the Secretary of State, and together with the costs of the arbitration shall be paid by the parties or one of them according as the award may direct. The amount, if any, payable by the Secretary of State shall be paid as part of the expenses of inspectors under this Act. The amount, if any, payable by the owner may in the event of nonpayment be recovered in the same manner as penalties under this Act:

(17.) Every person who is appointed an arbitrator or umpire under this section shall be a practical mining engineer, or a person accustomed to the working of mines, but when an award has been made under this section the arbitrator or umpire who made the same shall be deemed to have been duly qualified as provided by this section.

IV.—Inspection.

Appointment of inspectors of mines. 5 & 6 Vict. c. 99. s. 3. 23 & 24 Vict. c. 151. s. 8.

35. The Secretary of State may from time to time appoint any fit persons to be inspectors of mines, and assign them their duties and may award them such salaries as the Commissioners of Her Majesty's Treasury may approve, and may remove such inspectors.

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Notice of the appointment of every such inspector shall be published in the London Gazette.

Any such inspector is referred to in this Act as an inspector, and the inspector of a district means the inspector who is for the time being assigned to the district or portion of Great Britain with reference to which the term is used.

Disqualification of persons as inspectors. 23 & 24 Vict. c. 151. s. 9.

36. Any person who practises or acts as a land agent, or as a manager, viewer, or agent, or mining engineer, or valuer of mines, or arbitrator in any differences arising between owners of mines, or is otherwise employed in or about any mine, shall not act as an inspector of mines under this Act.

Powers of inspectors. 5 & 6 Vict. c. 99. ss. 3, 5. 23 & 24 Vict. c. 151. ss. 16, 23.

37. An inspector under this Act shall have power to do all or any of the following things; namely,

(1.) To enter, inspect, and examine any mine, and the works and machinery belonging thereto, at all reasonable times by day and night, but so as not to impede or obstruct the working of the said mine:

(2.) To examine into and make inquiry respecting the state and condition of any mine, and the works and machinery connected therewith, and the ventilation of the mine, and the sufficiency of the special rules (if any) for the time being in force in the mine, and all matters and things connected with or relating to the safety of the persons employed in or about the mine, and, particularly in the case of a coal mine, the mode of lighting or using lights in the same:

(3.) To make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act relating to matters above ground or below ground are complied with in the case of any mine:

(4.) To exercise such other powers as are conferred by any part of this Act, or so far as relates to mines above ground, on an inspector of factories, by the Workshop Regulation Act, 1867, or as may be necessary for carrying this Act into effect.

Every person who wilfully obstructs any inspector in the execution of this Act, and every owner and agent who refuses or neglects to furnish to the inspector the means necessary for making any entry, inspection, examination, or inquiry under this Act, shall be guilty of an offence against this Act.

Notice by inspectors of causes of

38. If in any respect (which is not provided against by any express provision of this Act, or by any special rule) any inspector

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danger not provided for by the rules. 23 & 24 Vict. c. 151. s. 17.

find any mine, or any part thereof, or any matter, thing, or practice in or connected with any such mine, to be dangerous or defective, so as in his opinion to threaten or tend to the bodily injury of any person, such inspector may give notice in writing thereof to the owner or agent of the mine, and shall state in such notice the particulars in which he considers such mine, or any part thereof, or any matter, thing, or practice, to be dangerous or defective, and require the same to be remedied; and unless the same be forthwith remedied the inspector shall also report the same to the Secretary of State.

If the owner or agent of the mine objects to remedy the matter complained of in the notice he may, within twenty days after the receipt of such notice, send his objection in writing, stating the grounds thereof, to the Secretary of State; and thereupon the matter shall be determined by arbitration in manner provided by this Act; and the date of the receipt of such objection shall be deemed to be the date of the reference.

If the owner or agent fail to comply either with the requisition of the notice, where no objection is sent within the time aforesaid, or with the award made on arbitration within twenty days after the expiration of the time for objection or the time of making of the award (as the case may be), he shall be guilty of an offence against this Act, and the notice and award shall respectively be deemed to be written notice of such offence:

Provided that the court, if satisfied that the owner or agent has taken active measures for remedying the same, but has not, with reasonable diligence, been able to complete the works, may adjourn any proceedings taken before them for punishing such offence, and, if the works are completed within a reasonable time, shall not inflict any penalty.

Maps and plans of mine. 23 & 24 Vict. c. 151. s. 18.

39. The owner or agent of every mine shall keep an accurate map or plan of the workings of such mine, showing the workings up to at least six months previously.

The owner or agent shall produce to an inspector under this Act, at the mine, such map or plan, and shall, if requested by the inspector, mark on such map or plan the progress of the workings of the mine up to the time of such production, and shall allow the inspector to examine the same; but the inspector is not hereby authorized to make a copy of any part of such map or plan.

If the owner or agent wilfully refuses to produce and allow to be examined such map or plan, or wilfully withholds any portion of any

map or plan, or conceals any part of the workings of his mine, or produces an imperfect or inaccurate map or plan, unless he shows that he was ignorant of such concealment, imperfection, or inaccuracy, he shall be guilty of an offence against this Act; and, further, the inspector may, by notice in writing, (whether a penalty for such offence has or has not been inflicted,) require the owner or agent to cause an accurate map or plan, such as is prescribed by this section, to be made within a reasonable time, at the expense of the owner of the mine, on a scale of not less than two chains to one inch, or on such other scale as the plan then used in the mine is constructed on.

If the owner or agent fail within twenty days, or such further time as may be shown to be necessary, after the requisition of the inspector to make or cause to be made such map or plan, he shall be guilty of an offence against this Act.

Maps of abandoned mines.

40. Where any mine is abandoned, or the working thereof discontinued, the owner of such mine shall, within three months after such abandonment or discontinuance, send to the Secretary of State an accurate map or plan, on a scale of not less than six inches to the mile, showing the boundaries of the workings of such mine up to the time of the abandonment or discontinuance, or a copy of such map or plan, with the view of its being preserved under the care of the Secretary of State, but no person, except an inspector, shall be entitled to see such map, plan, or copy when so sent until after the lapse of twenty years from the date of such abandonment or discontinuance, without the consent of the owner of the mine.

Report of inspector. 23 & 24 Vict. c. 151. s. 27.

41. Every inspector under this Act shall make an annual report of his proceedings during the preceding year to the Secretary of State, which report shall be laid before both Houses of Parliament.

V.—Supplemental.

Coroners.

Adjournment of coroners' inquests on deaths from accidents in mines.

42. With respect to coroners' inquests on the bodies of persons whose death may have been caused by explosions or accidents in mines, the following provisions shall have effect:

(1.) Where a coroner holds an inquest upon a body of any person whose death may have been caused by any explosion or accident, of which notice is required by this Act to be given to the inspector of the district, the coroner shall

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Cf. 23 & 24 Vict. c. 151. s. 20.

adjourn such inquest unless an inspector, or some person on behalf of the Secretary of State, is present to watch the proceedings.

(2.) The coroner, at least four days before holding the adjourned inquest, shall send to the inspector for the district (if there is any) notice in writing of the time and place of holding the adjourned inquest.

(3.) The coroner, before the adjournment, may take evidence to identify the body, and may order the interment thereof.

(4.) If an explosion or accident has not occasioned the death of more than one person, and the coroner has sent to the inspector of the district (if there is any) notice of the time and place of holding the inquest not less than forty-eight hours before the time of holding the same, it shall not be imperative on him to adjourn such inquest in pursuance of this section, if the majority of the jury think it unnecessary so to adjourn.

(5.) An inspector shall be at liberty at any such inquest to examine any witness, subject nevertheless to the order of the coroner.

(6.) Where evidence is given at an inquest at which an inspector is not present of any neglect as having caused or contributed to the explosion or accident, or of any defect in or about the mine appearing to require a remedy, the coroner shall send to the inspector of the district (if there is any) notice in writing of such neglect or default.

(7.) Any person having a personal interest in, or employed in or in the management of the mine in which the explosion or accident occurred shall not be qualified to serve on the jury empanelled on the inquest; and it shall be the duty of the coroner and constable or other officer not to summon any person disqualified under this provision, or allow any such person to be sworn or to sit on the jury.

Penalties.

Penalty for offences against Act.

43. Every person employed in or about a mine, other than an owner or agent, who is guilty of any act or omission which in the case of an owner or agent would be an offence against this Act, shall be deemed guilty of an offence against this Act.

Every owner and every agent, and every person employed in or about a mine, who is guilty of an offence against this Act, shall be liable to a penalty not exceeding, if he is an owner or agent,

twenty pounds, and if he is not an owner or agent, two pounds, for each offence; and if the inspector has given written notice of any such offence, to a further penalty not exceeding one pound for every day after such notice that such offence continues to be committed. A.D. 1870.

Every owner and agent and every person employed in the mine who is guilty of any offence against the Act which, in the opinion of the Court that tries the case, is one which is reasonably calculated to endanger the safety of the persons employed in or about the mine, or to cause injury to any such person, or to cause a dangerous accident, and was committed wilfully by the personal act or personal default or personal negligence of the person accused, shall be liable, instead of a penalty, to imprisonment with or without hard labour, for a period not exceeding three months.

Every person who is guilty of any contravention of or non-compliance with any provision of this Act, which contravention or non-compliance is not expressly declared to be an offence, shall be liable to a penalty not exceeding twenty pounds for each offence.

Summary proceedings for offences, penalties, &c. 23 & 24 Vict. c. 151. s. 25.

44. Any offence and penalty under this Act,—and any money and costs by this Act directed to be recovered as a penalty is recoverable under this Act,—and any proceeding for the removal of a weigher,—may be prosecuted, recovered, and taken within three months after the offence was committed or the cause of complaint arose, as follows:—

In England, before two justices of the peace in manner directed by the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties of justices "of the peace out of sessions within England and Wales with "respect to summary convictions and orders," and any Act amending the same. 11 & 12 Vict. c. 43.

In Scotland, in manner directed by The Summary Procedure Act, 1864. 27 & 28 Vict. c. 53.

In Ireland, in manner directed by The Petty Sessions (Ireland) Act, 1851, and any Act amending the same. 14 & 15 Vict. c. 93.

Persons not to be punished twice for the same offence.

45. Nothing in this Act shall prevent any person from being indicted or liable under any other Act or otherwise to any other or higher penalty or punishment than is provided for any offence by this Act, so that no person be punished twice for the same offence.

If the court before whom a person is charged with an offence under this Act think that proceedings ought to be taken against such person for such offence under any other Act or otherwise, the court may direct such proceedings to be taken, and adjourn the case until such proceedings are completed.

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Qualification of justices. 23 & 24 Vict. c. 151. s. 22.

46. A person who is the owner or agent of any mine, or the father, son, or brother of such owner or agent, shall not act as a justice of the peace, sheriff, or magistrate in any case relating to such mine, or to the persons employed therein.

Application of penalties. 23 & 24 Vict. c. 151. s. 25.

47. Where a penalty is imposed under this Act for neglecting to send a notice of any explosion or accident or for any offence against this Act which has occasioned loss of life or personal injury, the Secretary of State may (if he think fit) direct such penalty to be paid to or distributed among the person or persons injured, or the relatives of any person or persons whose death may have been occasioned by such explosion, accident, or offence.

Provided that—

(1.) Such person or persons did not in his opinion occasion or contribute to occasion the explosion or accident, and did not commit and was not a party to committing the offence;

(2.) The fact of such payment or distribution shall not in any way affect or be receivable as evidence in any legal proceeding relative to or consequential on such explosion, accident, or offence;

Save as aforesaid, all penalties imposed in pursuance of this Act shall be paid into the receipt of Her Majesty's Exchequer, and shall be carried to the Consolidated Fund.

Miscellaneous.

Certified copy of special rules. 23 & 24 Vict. c. 151. s. 26.

48. An inspector under this Act shall, when required, certify a copy which is shown to his satisfaction to be a true copy of any special rules, which for the time being are established under this Act in any mine, and a copy so certified shall be evidence (but not to the exclusion of other proof) of such special rules and of the fact that they are duly established under this Act.

Notices may be served by post.

49. All notices under this Act shall be in writing or print, or partly in writing and partly in print, and all notices and documents required by this Act to be served or sent may be either delivered personally, or served and sent by post, by a prepaid letter, and, if sent by post, shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service or sending it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post.

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Application of Act to ironstone and shale mines.

50. This Act shall apply to mines of ironstone of the coal measures and to mines of shale, in like manner as it applies to coal mines; and the term "coal" throughout this Act shall be construed to include shale and all such ironstone as aforesaid.

Existing inspectors.

51. The persons who at the commencement of this Act are acting as inspectors under the Acts hereby repealed shall continue to act in the same manner as if they had been appointed under this Act.

Provided that such inspectors, until otherwise directed by the Secretary of State under this Act, shall inspect only such mines as they have respectively power to inspect under the Acts hereby repealed.

Repeal.

52. The Acts described in the Schedule to this Act are hereby repealed.

Provided that this repeal shall not affect anything done or suffered before the commencement of this Act, and all offences committed and penalties incurrred before the commencement of this Act may be punished and recovered in the same manner as if this Act had not passed.

SCHEDULE.

Date of Act.	Title of Act.
5 & 6 Vict. c. 99. -	An Act to prohibit the employment of women and girls in mines and collieries, to regulate the employment of boys, and to make other provisions relating to persons working therein.
23 & 24 Vict. c. 151. -	An Act for the regulation and inspection of mines.
25 & 26 Vict. c. 79. -	An Act to amend the law relating to coal mines.

Inspection.

A

BILL

[AS AMENDED IN COMMITTEE]

To consolidate and amend the Acts relating to the Regulation and Inspection of Mines.

(*Prepared and brought in by Mr. Secretary Bruce and Mr. Knatchbull-Hugessen.*)

Ordered, by The House of Commons, *to be Printed*, 25 *April* 1870.

[Bill 104.]

Under 4 *oz.*

A

B I L L

TO

Amend "The Mortgage Debenture Act, 1865." A.D. 1870.

WHEREAS it is expedient that "The Mortgage Debenture Act, 1865," (herein-after called "the Principal Act,") should be amended:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

This Act and Mortgage Debenture Act, 1865, to be construed together.

1. This Act shall be construed as one with "The Mortgage Debenture Act, 1865," (which is herein-after referred to as "the Principal Act,") and may be cited for all purposes as "The Mortgage Debenture (Amendment) Act, 1870."

Interpretation.

2. The expression "the Company" when used in this Act has the same meaning as that attached to it in "the Principal Act."

Repeal of Sections of Principal Act.

3. Sections 5, 12, 14, 16, 17, 20, 24, 26, 28, 36, and 40 of "The Mortgage Debenture Act, 1865," are hereby repealed.

Nature of securities on which debentures may be founded.

4. The securities upon and in respect of which mortgage debentures may be founded and issued under the authority of "the Principal Act" shall be securities affecting property in England or Wales of the following descriptions:

(*a.*) Lands, messuages, hereditaments, or real property, or some estate or interest therein:

(*b.*) Rates, dues, assessments, or impositions upon the owners or occupiers of lands, messuages, hereditaments, or real property imposed by or under the authority of any Act of Parliament, public or private, Royal Charter, Commission of Sewers or Drainage, or other sufficient legal authority:

(*c.*) Charges upon or affecting lands, messuages, hereditaments, or real property executed, made, given, or issued under the authority of any Act of Parliament public or private:

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But from the securities described in paragraph (*a.*) shall be excepted securities upon mines or mineral property, quarries, brick-fields, and factories, mills, and other buildings or works for manufacturing purposes, and also securities upon leasehold estates determinable upon a life or lives, and not renewable or held for a term of which at the date of the security less than fifty years shall be unexpired, or which are held at a rent beyond one-fourth part of the annual value of the property leased as estimated at the date of the security given to the company and verified by the statutory declaration of a surveyor as herein-after provided with respect to the value of the securities to be registered.

In construing this Act the word "securities" shall be deemed to mean such securities as above defined and restricted, and no others.

Statutory declaration in lieu of voluntary declaration.

5. In lieu of the voluntary declaration required by section 10 of "the Principal Act" to be made by the surveyor or valuer therein mentioned a statutory declaration in the same form or in the form (A.) in the schedule hereto, or to the like effect, shall hereafter be requisite.

Company to file return in office of Land Registry.

6. Before any company shall be entitled to avail itself of the provisions of "the Principal Act" and this Act such company shall file in the office of the Land Registry a return containing the following and such other particulars as the registrar may from time to time require, which return shall be under the hand of one, at least, of the directors of the company and the secretary.

(*a.*) The amount of the nominal capital of the company:

(*b.*) The amount per share and the aggregate amount paid up on the shares:

(*c.*) The assets or property of the company at the date of the return, and how invested:

(*d.*) The names, addresses, and occupations of the directors and auditors of the company:

(*e.*) The registered office of the company.

Registered securities charged with payment of debentures and not applicable for any other purpose until discharged from registration.

7. All the registered securities for the time being of the company shall be charged with the payment of the principal moneys and interest from time to time, payable upon or in respect of all the mortgage debentures of the company for the time being issued and outstanding, and no registered security until discharged therefrom, as herein-after provided, shall be applicable to or available for any other purpose than the satisfaction of such principal moneys and interest, or be transferred, disposed of, or otherwise dealt with by the company, unless and until the same shall have been discharged from

registration in the manner herein-after provided: Provided, nevertheless, that such registration shall not prevent the company from receiving, applying, and giving a valid discharge for any instalments payable by the terms of the deed creating the security or any annuities or interest which may from time to time be receivable upon or in respect of any such security, unless where a receiver shall have been actually appointed under the provisions of "the "Principal Act." A.D. 1870.

Proceedings on redemption of securities.

8. Whenever any person who has executed a security which has been registered under the provisions of this or "the Principal Act" is entitled to redeem such security, and he or the person for the time being entitled to redeem has given notice to the company of his intention so to do, or if the company shall themselves at any time be desirous of freeing and discharging any registered security, the company in the case first mentioned shall before the day appointed for the redemption, and in the case secondly mentioned, may at any time make application to the registrar for the purpose of having such respective security freed and discharged from the charge of the mortgage debentures issued by the company, and upon its being made to appear to his satisfaction that the aggregate of the principal sums secured by all the mortgage debentures of the company then outstanding does not exceed the total amount (to be ascertained in the manner provided by "the Principal Act") of the registered securities of the company at the time being, exclusive of that proposed to be discharged, he shall allow the same to be so freed and discharged, and shall cause an entry to be made in the register of securities of the said security being discharged, and shall on request redeliver to the company the several deeds or instruments to which such security relates and which were delivered to the registrar for registration under the provisions in that behalf contained in "the Principal Act," and such entry shall be conclusive evidence of such discharge.

Owner of registered security upon default of company may obtain the discharge thereof from company's debentures.

9. If in the case first mentioned in the last preceding section the company shall have made default in procuring the discharge on or before the day appointed for redemption, the person so entitled to redeem, and who has given notice, as aforesaid, of his intention to redeem, may apply to the High Court of Chancery, by summons, calling upon the company to show cause why such security is not so discharged, and upon hearing such summons the judge shall appoint a day by which the discharge shall be obtained, and in default thereof shall order that the amount of principal and interest money due upon such security shall, by a day to be named in the

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order, be paid into the bank, to the credit of the Accountant-General of the Court of Chancery to the account of the company's mortgage debentures, and shall make such order as to the costs of and incidental to the application as the court may deem just.

Upon production to and deposit with the land registrar of such order, together with the Accountant-General's certificate of such payment into court, as aforesaid, the registrar shall make an entry in the proper register of securities of the discharge of such security from the company's mortgage debentures, and shall deliver to the person named in such order the several deeds and instruments to which such security relates, and which were delivered to the registrar under the provisions herein contained.

Upon the company proving to the satisfaction of the court by the production of a certificate of the registrar, either that a security at least equal in value to the amount so paid into court as aforesaid has been registered as aforesaid, or that an equivalent amount of the company's mortgage debentures has been cancelled, the court shall direct the payment out of court to the company of the amount so paid in, together with any dividends that may have accrued due thereon in the meantime.

Inspection of registers and returns.

10. Subject to the regulations mentioned in section 19 of "the "Principal Act," and on payment of such fees as the registrar with the sanction of the Lord Chancellor from time to time prescribes, any person may inspect and make copies of and extracts from the register of securities, the register of mortgage debentures and the returns made by the company to the registrar under the provisions of "the Principal Act."

Additional particulars to be contained in quarterly returns to registrar.

11. In addition to the particulars required to be contained in the quarterly return to be made by the company to the registrar by the 23rd section of "the Principal Act," every such quarterly return shall contain the following particulars:—

(*a.*) The names, addresses, and occupations of the directors and auditors of the company:

(*b.*) The registered office of the company.

Estimate for quarterly returns of amount or value of annuities.

12. The amount or value of mortgages or other like securities to the company, payable by periodical payment and comprised in the quarterly returns, shall be deemed to be the amount of principal money remaining unpaid thereon respectively, at the date of the quarterly return.

Form of mortgage debenture.

13. Every mortgage debenture from time to time issued by the company shall be a deed under the common seal of the company

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duly stamped as a mortgage for the amount secured, and bearing the signatures of at least two of the directors, and the countersignature of the manager, secretary, or accountant of the company, and shall be in accordance with the form (B.), in the schedule to this Act, or as near thereto as circumstances admit.

Terms on which mortgage debentures may be issued.

14. The mortgage debentures shall be for the payment of principal sums, either at a fixed time to be named therein, not less than six months nor exceeding ten years from the date, or at any time on six calendar months, previous notice being given to the company by the holder for the time being of the mortgage debenture, or by the company to the holder for the time being of the mortgage debenture with interest thereon, in the meantime at such rate as may be agreed payable half yearly or otherwise, and no mortgage debenture shall be issued for a less principal sum than fifty pounds.

Entry in register of discharge of mortgage debenture.

15. When a mortgage debenture is produced by the company to the registrar discharged or cancelled, he shall make in the register of mortgage debentures an entry of the discharge thereof.

Further powers of investment to trustees.

16. In all cases in which by the instrument creating the trust trustees have power to invest trust moneys in or upon real or leasehold securities, or the security of shares, stock, mortgages, bonds or debentures of companies incorporated by or acting under the authority of an Act of Parliament, they may invest such trust moneys on the security of mortgage debentures duly issued under and in accordance with the provisions of this and "the Principal Act."

Company not exempt from Joint Stock Companies' Acts.

17. Nothing in this Act shall exempt the company from the provisions of any Act relating to joint stock companies, and applicable to the company."

FORM (A.)

Form of the Surveyor's or Valuer's Declaration.

[*Here insert a copy of the return to be made by the company, on application to register securities, distinguishing each security by a separate letter or number.*]

I of do solemnly and sincerely declare that the information above contained with respect to the security numbered or lettered is to the best of my information and belief correct, and that the value of the property above described (and *if the borrower's interest is of a limited nature,* the value of the borrower's estate and interest in the property above described) exceeds the amount of £ the advance made by the company in respect thereof (and *if there are prior charges* of the prior charges thereon), to the extent of one-third at least of such value (and *if the borrower's interest is that of a leaseholder* that the rent reserved by the lease under which the property above described is held, does not exceed one-fourth of the annual value thereof at the present time).

[*A separate declaration shall be made in respect of each security, and where the mortgage or charge is secured exclusively upon any of the securities comprised in sec.* 5 (b *and* c) *omit from the word* "declare" *to the end and insert* "to the best of my information and belief the security above described and numbered is now of the value of £ ."]

FORM (B.)

Form of Mortgage Debenture.

The Company.

Mortgage Debenture No.

By virtue of "The Mortgage Debenture Act, 1865," we the company in consideration of £ paid to us by *A.B.* of do hereby charge all the registered securities of the company with the payment to the said *A.B.*, his executors, administrators, and assigns, of the sum of £ and interest thereon at the rate of per cent. per annum which sum of £ is to be paid and payable to the said *A.B.*, his executors, administrators, and assigns, at the

[*place*] on the day of (*or* on the expiration of six calendar months from the leaving at the registered office of the company of a notice in writing from the said *A.B.*, his executors, administrators, or assigns, requiring such payment, or on the expiration of six calendar months from the day succeeding the posting of a registered letter containing notice in writing from the company of their intention to repay the said sum of £), with interest on the same at the rate of per cent. per annum, payable half-yearly at said place on every day of and day of and we hereby undertake to pay said sum of £ and interest at the rate aforesaid as above mentioned.

Given under our common seal, this day of

A.B., Director.

C.D., Director.

Countersigned, *G.F.*, Secretary.

Registered

A

BILL

To amend "The Mortgage Debenture Act, 1865."

(*Prepared and brought in by Mr. West, Lord Garlies, and Mr. Staveley Hill.*)

Ordered, by The House of Commons, *to be Printed*, 17 *March* 1870.

[Bill 78.]

Under 1 *oz.*

A

BILL

TO

Facilitate the revesting of mortgaged Estates in Mortgagors. A.D. 1870.

WHEREAS it is expedient to amend the law of real property with respect to the revesting of mortgaged estates in mortgagors:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Mortgagee or his executor may, by endorsement of a receipt for moneys secured, revest the property in the person entitled to the equity of redemption without reconveyance.

1. From and after the *passing of this Act*, it shall be lawful for the mortgagee named in any mortgage deed or instrument, or for the executors, administrators, or assigns of such mortgagee, to endorse upon such mortgage deed or instrument a receipt for all moneys intended to be secured by such mortgage, which shall be sufficient to vacate the same and revest the estate of and in the property comprised in such mortgage, whether the same shall be of freehold, copyhold, leasehold, or other tenure, in the person or persons for the time being entitled to the equity of redemption without it being necessary for such mortgagee, his executors, administrators, or assigns, to make or execute any reconveyance of the property so mortgaged, which reconveyance shall be in the form specified in the schedule hereunto annexed, or to the like purport or effect.

The receipts to be chargeable with the same stamp duty as a conveyance.

2. *Every such receipt shall be chargeable with the same stamp duty as would have been payable on a reconveyance of the mortgaged property.*

Extent of Act.

3. This Act shall not extend to Scotland.

A.D. 1870.

Schedule to which this Act refers.

Form of Receipt.

In pursuance of "An Act to facilitate the revesting of mortgaged Estates in Mortgagors," I (or we) the undersigned, being the mortgagee (or mortgagees) within mentioned (or the executors, administrators, or assigns of the within-mentioned mortgagee or mortgagees, as the case may be), do hereby acknowledge to have received all moneys intended to be secured by the within-written indenture. As witness my (or our) hand (or hands) this day of 18 .

A

B I L L

To facilitate the revesting of mortgaged Estates in Mortgagors.

(*Prepared and brought in by Mr. Dodds, Mr. Pease, Mr. Bolckow, and Mr. Wren-Hoskyns.*)

Ordered, by The House of Commons, *to be Printed,* 17 *February* 1870.

[Bill 35.]

Under 1 *oz.*

A

B I L L

TO

Extinguish the Estates of Mortgagees on payment of the Mortgage Debt. A.D. 1870.

WHEREAS it is expedient to exonerate the owners of real property from the expense of getting a re-conveyance of a satisfied mortgage estate:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

On acknowledgment by person competent to give discharge of payment of money due on mortgage, hereditaments to be held for same estates as if they had never been mortgaged.

1. When any person now or at any time after the passing of this Act, competent to give a discharge for the moneys for the time being due on any mortgage or other security, shall by some writing acknowledge or declare that the same have been paid or satisfied, then and thereupon and thenceforth the hereditaments comprised in such mortgage or other security, whether the same be of freehold, copyhold, leasehold, or other tenure, shall be held for the same estates or interests, and in the manner and right in all respects as the same would have been held had such mortgage or other security never been made.

Stamp Duty.

2. *Every such writing as aforesaid shall be chargeable with the same stamp duty as would have been payable upon a re-conveyance of the mortgaged property.*

Entry of satisfaction of mortgage debt on the Court Rolls.

3. In the case of lands of copyhold or customary tenure such writing as aforesaid shall not operate to extinguish the estate of the satisfied mortgagee until a memorandum of the satisfaction of the mortgage debt be endorsed on the Court Rolls, and such memorandum shall be so endorsed by the steward of the manor upon production of such writing as aforesaid, and upon the signature thereto being verified by affidavit, and for endorsing the same, the lord of the manor and his steward shall be entitled to the same

A.D. 1870.

fees as they would have been entitled to in case the mortgage security had been transferred instead of extinguished.

4. The word person in this Act shall mean any one person or any number of persons, and any corporation aggregate or sole.

Extent of Act.

5. This Act shall not extend to Scotland.

Mortgages (No. 2.)

A

BILL

To extinguish the Estates of Mortgagees on payment of the Mortgage Debt.

(*Prepared and brought in by Mr. Dodds, Mr. Pease, Mr. Bolckow, and Mr. Wren-Hoskyns.*)

Ordered, by The House of Commons, *to be Printed,* 28 *February* 1870.

[Bill 52.]

Under 1 *oz.*

Municipal Boroughs (Metropolis) Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

I.—Preliminary.

1. Short title.
2. Interpretation.
3. Effect of schedules.

II.—Incorporation of Boroughs.

4. Division of metropolis into boroughs, with wards.
5. Wardens and councillors in each borough.
6. Boundaries of wards and apportionment of councillors.
7. Incorporation of boroughs.
8. Application of Municipal Corporations Acts.
9. First election of councillors.
10. Watch committees, constables, and watch rates.

III.—Transfer from Vestries, &c. of Powers, Property, &c.

11. Vesting in corporations of duties and powers of vestries, district boards, commissioners under local Acts, &c.
12. Savings for vestries, &c., applied to corporations.
13. Application of savings and powers of Metropolis Management Acts.
14. Vesting in corporations of property of vestries, &c.
15. Performance of existing contracts, &c.
16. Discharge of existing debts and liabilities.
17. Disposal of rates made before Act.
18. Cesser of vestries, district boards, auditors, commissioners, &c.
19. Continuance of existing commissioners, &c. till election of councillors.
20. Compensation for officers of vestries, &c.

IV.—Miscellaneous.

21. Corporate name, &c. of city of Westminster.
22. Expenses of execution of Act, &c.
23. Assistance to Secretary of State.
24. Reference to arbitration.
25. Costs of Act.

Schedules.

A

B I L L

FOR

Creating Municipal Boroughs in the Metropolis.

A.D. 1870.

WHEREAS it is expedient that municipal boroughs be created in such parts of the metropolis as are not under the municipal government of the corporation of the city of London:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

I.—Preliminary.

1. This Act may be cited as The Municipal Boroughs (Metropolis) Act, 1870. Short title.

2. In this Act— Interpretation.

The term "the Municipal Corporations Act of 1835" means the Act of the session of the fifth and sixth years of the reign of King William the Fourth (chapter seventy-six) "to provide "for the regulation of municipal corporations in England and "Wales": 5 & 6 W. 4. c. 76.

The term "the Municipal Corporations Acts" means the last-mentioned Act and Acts amending the same:

The term "the Metropolis Management Acts" means The Metropolis Management Act, 1855, and Acts amending the same: 18 & 19 Vict. c. 120. 25 & 26 Vict. c. 102. s. 111.

The term "the metropolis" has the same meaning as in The Metropolis Management Act, 1855, save that it does not include the city of London, as defined in that Act, or any part thereof: 18 & 19 Vict. c. 120. s. 250.

The term "the Secretary of State" means one of Her Majesty's Principal Secretaries of State.

3. The schedules to this Act shall be deemed part of this Act. Effect of schedules.

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II.—Incorporation of Boroughs.

Division of metropolis into boroughs, with wards.

4. The metropolis shall be divided into the municipal boroughs named in the first column of the first schedule to this Act (which are in this Act referred to as the metropolitan municipal boroughs).

The boroughs shall comprise the parishes and districts named in connexion therewith respectively in the second column of the same schedule.

The boroughs shall be divided into the wards named in connexion therewith respectively in the third column of the same schedule.

Wardens and councillors in each borough.

5. In and for each metropolitan municipal borough there shall be one fit person, who shall be and be called the warden of the borough, and a certain number of fit persons, who shall be and be called the councillors of the borough.

The number of councillors for each borough shall be that stated in connexion therewith in the fourth column of the first schedule to this Act.

In each borough the warden and councillors for the time being shall be and be called the council of the borough.

All the councillors in each borough shall go out of office at each annual election, but shall be re-eligible.

There shall not be any alderman in any borough.

Boundaries of wards and apportionment of councillors.

6. In each metropolitan municipal borough the boundaries of the wards shall be set out, and the apportionment of the number of councillors among the wards shall be determined, under the direction of the Secretary of State, according to the rules in the second schedule to this Act.

Incorporation of boroughs.

7. In each metropolitan municipal borough the warden, councillors, and burgesses of the borough are hereby incorporated by that name, with perpetual succession and a common seal, and with power to take, hold, and dispose of land and other property for the purposes of this Act.

Application of Municipal Corporations Acts.

8. Every metropolitan municipal borough, and the body corporate thereof, shall be deemed a borough and a body corporate to which (subject to the provisions of this Act) the Municipal Corporations Acts apply, as if the borough had been named in schedule (A.) to the Municipal Corporations Act of 1835.

First election of councillors.

9. The provisions of the Municipal Corporations Acts relative to elections shall not apply to the first election of councillors in the several metropolitan municipal boroughs, and those elections shall be governed by the rules in the third schedule to this Act.

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Watch committees, constables, and watch rates.

10. The provisions of the Municipal Corporations Acts relative to the appointment of a watch committee and of constables, and to levying watch rates, shall not apply to any metropolitan municipal borough.

III.—Transfer from Vestries, &c. of Powers, Property, &c.

Vesting in corporations of duties and powers of vestries, district boards, commissioners under local Acts, &c.

11. From and after the first election of councillors for a metropolitan municipal borough, there shall be, by virtue of this Act, transferred to, imposed on, and vested in the corporation of the borough the following duties, powers, and authorities:

(1.) All duties, powers, and authorities by or under the Metropolis Management Acts or any other Act imposed on or vested in a vestry or district board of a parish or district comprised wholly or partly in the borough:

(2.) All duties, powers, and authorities for or in relation to any purpose of this Act which by any local Act of Parliament or otherwise are imposed on or vested in any commissioners, corporation, or body, or any officer thereof, in relation to a parish comprised wholly or partly in the borough;

but so that, in the case of a parish or district comprised only partly in a borough, this transfer shall have effect with respect only to the part comprised in the borough.

Every such vestry, district board, body of commissioners, corporation, body, or officer is in this Act referred to as a body or officer superseded by this Act.

Application of general savings for vestries, &c.

12. All savings and provisions in any other Act saving and providing for the rights of any body or officer superseded by this Act, as respects places within the metropolis, shall, as far as the same are applicable to the corporation of a metropolitan municipal borough, and are not inconsistent with this Act, continue and have effect in favour of and with reference to the corporation of such borough, or to any officer or person continued to be employed by such corporation.

Application of savings and powers of Metropolis Management Acts.

13. Sections ninety-one and two hundred and forty to two hundred and forty-eight, both inclusive, of The Metropolis Management Act, 1855, shall for the purposes of this Act have effect as if they were here repeated, with the substitution only throughout the same of the word "corporation" for the words "vestry or district board."

Vesting in corporations of property of vestries, &c.

14. From and after the first election of councillors for a metropolitan municipal borough, there shall be by virtue of this Act transferred to and vested in the corporation of the borough—

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All property and things vested in the vestry or district board of a parish or district, comprised wholly or partly in the borough;

All property vested in any commissioners, corporation, or body, or in any officer thereof, in relation to a parish comprised wholly or partly in the borough, and held in connexion with any duty, power, or authority, by virtue of this Act transferred to the corporation of the borough.

Where such parish or district extends into more boroughs than one, the property and things transferred shall vest in the borough, or be apportioned among and vest proportionally in the boroughs, directed by the Secretary of State.

Where any such commissioners, corporation, body, or officer, act or acts for places extending beyond the metropolis, the property and things aforesaid shall be apportioned in the manner directed by the Secretary of State, and the apportioned part thereof only shall vest in the corporation of the borough.

Performance of existing contracts, &c.

15. On any transfer, by force of this Act, from a body or officer superseded by this Act to the corporation of a metropolitan municipal borough, the following provisions shall have effect:

(1.) All contracts, agreements, bonds, covenants, or securities made or entered into before the transfer with or in favour of that body or officer shall remain as valid and effectual and be proceeded on and enforced as if there had been no transfer:

(2.) Any action, suit, prosecution, or proceeding commenced or carried on by or against that body or officer shall not abate or be discontinued or prejudicially affected by the transfer, but shall be continued and carried on as if this Act had not been passed, the corporation of the borough being only substituted for that body or officer:

(3.) All money coming to that body or officer under any such contract, agreement, bond, covenant, security, action, suit, or proceeding, which would have been applicable if this Act had not been passed for the purposes of any duty, power, or authority by this Act transferred to the corporation, shall be paid over to the corporation, or as they direct, and be applied for the like purposes:

(4.) All money, debts, and liabilities which that body or officer would if this Act had not been passed have been liable to pay or discharge under any such contract, agreement, bond, covenant, security, action, suit, or proceeding, out of rates levied under any power so transferred on any parish or

part of a parish comprised in the borough, and all costs, damages, and expenses which that body or officer might if this Act had not been passed have lawfully defrayed out of any such rates, shall be paid out of the borough rate.

Discharge of existing debts and liabilities.

16. All debts and liabilities lawfully charged on or payable out of any rate or assessment authorized by any Act to be made by a body or officer superseded by this Act, in or on a parish or part of a parish comprised in a metropolitan municipal borough, shall be charged on the rates to be raised under this Act in the borough, parish, or part of a parish, other than rates by the Metropolis Management Acts or otherwise required to be raised as separate rates for any purpose.

The council of the borough shall cause the sums necessary for discharging such debts and liabilities to be raised in the borough, parish, or part of a parish.

The council shall, once in every year, set aside out of the rates charged under this Act with those debts and liabilities such sum or per-centage as is specified in section one hundred and eighty of The Metropolis Management Act, 1855, to be applied and dealt with in manner therein specified, except that the power of apportionment thereby given to the Metropolitan Board of Works shall be exercised as follows:—

By the corporation of a borough, as between or among all parishes and districts wholly comprised in the borough:

By the Metropolitan Board of Works, as between or among parishes and districts comprised in two or more boroughs:

By the Secretary of State, where the rates and assessments on which the debt or liability is charged are levied by a body or officer superseded by this Act acting for places extending beyond the metropolis.

Disposal of rates made before Act.

17. Arrears of rates made under the Metropolis Management Acts or any other Act by a body or officer superseded by this Act shall be collected as if this Act had not been passed.

The money so collected, subject to the payment or retainer thereout of any sum or expenses lawfully payable thereout, shall be disposed of as follows:

If made within a parish or district wholly comprised in one metropolitan municipal borough, the same shall be accounted for and paid over to the corporation of the borough:

If made by a body or officer superseded by this Act acting for places extending beyond one borough, then the same shall be apportioned by the Metropolitan Board of Works as provided in

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this Act with respect to property vested in the same superseded body or officer;

and money so coming to the corporation of a borough shall in every case be applied in aid of the borough rates.

Cesser of vestries, district boards, auditors, commissioners, &c.

18. From and after the first election of councillors for each metropolitan municipal borough, the offices of vestrymen and members of district boards for parishes and districts comprised in the borough, and of auditors, under the Metropolis Management Acts shall cease, and there shall be no new election to the same.

From and after the same time, the offices of all members of a body (other than a vestry or district board) and officers superseded by this Act acting for places wholly within the metropolis shall cease, and there shall be no new appointment or election to any such office.

Continuance of existing commissioners, &c. till election of councillors.

19. Where, under a local Act, an election or appointment of members of a body or an officer superseded by this Act is appointed to be had or made between the passing of this Act and the first election of councillors for a metropolitan municipal borough, the members of the body or officer acting at the passing of this Act shall, until the first election of councillors of the borough, remain in office, and discharge and exercise their or his duties, powers, and authorities as if this Act had not been passed.

Compensation for officers of vestries, &c.

20. Sections sixty-six, sixty-seven, and sixty-eight of the Municipal Corporations Act of 1835, respecting the compensation of officers, shall apply to every officer of a body superseded by this Act, and to every officer so superseded, holding any office of profit, whose office is abolished by or in consequence of this Act, or who is removed from and not re-appointed to office under this Act.

IV.—Miscellaneous.

Corporate name, &c. of city of Westminster.

21. Notwithstanding anything in this Act, in the application of this Act to the city of Westminster as a metropolitan municipal borough, the burgesses thereof shall be styled citizens, and the corporate name of the corporation of the city as a metropolitan municipal borough shall be the warden, councillors, and citizens of the city of Westminster.

Expenses of execution of Act, &c.

22. Expenses incurred by the corporation of a metropolitan municipal borough in executing this Act, or in watching and (if need be) opposing the passing of any Bill in Parliament or the doing of any other thing that may, in the opinion of the council of the borough, interfere with the due execution by them of this Act, or be injurious to the interests of the borough, shall be deemed

expenses necessarily incurred by the council of the borough in carrying into effect the Municipal Corporations Acts.

Assistance to Secretary of State.

23. The Secretary of State may appoint and employ such persons as he thinks fit to assist him in making any apportionment of liability, or in executing any other duty imposed on him by this Act, and may fix the payment to be made to any such person for his services, and the amount so fixed shall be paid, under the direction of the Secretary of State, out of the borough rate of any metropolitan municipal borough concerned with the apportionment or other duty, or out of any rate or fund leviable or applicable by any body or officer superseded by this Act, or partly in one way and partly in the other.

Reference to arbitration.

24. If any difference arises between or among two or more of the following parties, that is to say, the corporation of any metropolitan municipal borough, the Metropolitan Board of Works, (except where any matter is under this Act to be determined by them,) and any body or officer superseded by this Act, touching the construction or execution of this Act, the parties in difference may refer the same to arbitration, and the costs of every such reference shall be in the discretion of the referee, and the decision on the reference shall be final and binding to all intents on all bodies and persons.

Costs of Act.

25. The costs, charges, and expenses of and preliminary and incidental to the preparing, applying for, obtaining, and passing of this Act shall be borne and paid by the metropolitan municipal boroughs in equal shares out of their respective borough rates.

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SCHEDULES.

THE FIRST SCHEDULE.

The Metropolitan Municipal Boroughs.

Boroughs.	Parishes and Districts.	Wards.	Number of Councillors.
Westminster	St. Ann, Soho	Soho	20
	The Rolls Liberty	Strand	
	St. Clements Danes		
	St. Mary-le-Strand		
	St. John, Savoy		
	St. Paul, Covent Garden	St. Martin's	
	St. Martin-in-the-Fields		
	St. James, Westminster	St. James	
	St. George, Hanover Square	Grosvenor	
		Knightsbridge	
		Pimlico	
	St. Margaret	St. Margaret (In)	
		St. Margaret (Out)	
	Close of St. Peter	St. John	
	St. John the Evangelist		
Chelsea	Chelsea	Sloane Street	20
		Chelsea	
	Fulham	Fulham	
	St. Peter and St. Paul, Hammersmith.	Hammersmith	
	St. Mary Abbot, Kensington.	Brompton	
		Kensington	
		Notting Hill	
Marylebone	Paddington	Bayswater	40
		Paddington	
	Marylebone	Bryanston	
		Portman	
		Cavendish	
		Langham	
		Lisson Grove	
		St. John's Wood	
	St. John, Hampstead	Hampstead	
	St. Pancras	Gray's Inn Lane	
		Tottenham Court Road	
		Somers Town	
		Regent's Park	
		Camden Town	
		Kentish Town	

THE FIRST SCHEDULE—*continued.*

Boroughs.	Parishes and Districts.	Wards.	Number of Councillors.
Finsbury	Saffron Hill Hatton Garden Ely Rents Ely Place St. Andrew, Holborn, above Bars St. George the Martyr St. Sepulchre (minus part in city of London)	Holborn	35
	St. George, Bloomsbury	Bloomsbury	
	St. Giles-in-the-Fields	St. Giles	
	St. Luke's	Finsbury St. Luke's	
	Charterhouse Liberty of Glasshouse Yard St. James and St. John, Clerkenwell	Clerkenwell Pentonville	
	St. Mary, Islington	Islington Barnsbury Canonbury Highbury Holloway	
Hackney	St. Mary, Stoke Newington	Stoke Newington Kingsland	30
	Hackney	Hackney	
	St. Leonard, Shoreditch	Haggerstone Hoxton Shoreditch	
	St. Matthew, Bethnal Green	Hackney Road Bethnal Green Victoria Park	
Tower Hamlets	Old Artillery Ground Norton Folgate, Liberty of Christ Church, Spitalfields Mile End New Town	Spitalfields	30
	St. Mary, Whitechapel Holy Trinity, Minories St. Botolph Without, Aldgate St. Catherine by the Tower Old Tower Without Tower of London	Whitechapel	
	St. George's-in-the-East	St. George's-in-the-East.	
	Mile End Old Town	Mile End Old Town, W. Mile End Old Town, E.	
	St. John, Wapping St. Paul, Shadwell Ratcliffe Hamlet	Shadwell	
	St. Ann, Limehouse	Limehouse	
	St. Mary, Stratford-le-Bow St. Leonard, Bromley	Bow	
	All Saints, Poplar	Poplar	

THE FIRST SCHEDULE—*continued.*

Boroughs.	Parishes and Districts.	Wards.	Number of Councillors.
Lambeth	Putney and Roehampton	Putney	30
	Wandsworth	Wandsworth	
	St. Mary, Battersea, including Penge	Battersea	
	Clapham	Clapham	
	Tooting, Graveney	Streatham	
	Streatham		
	Lambeth	Waterloo	
		Lambeth	
		Kennington	
		Brixton	
		Norwood	
Southwark	Christ Church	St. Saviour	20
	St. Saviour and the Clink Liberty		
	St. Olave	St. Olave	
	St. Thomas		
	St. John, Horsleydown		
	St. George-the-Martyr, Southwark	Borough	
		Kent Road	
	St. Mary, Newington	Newington	
		Walworth	
	Bermondsey	St. Mary, Bermondsey.	
		St. James, Bermondsey.	
	St. Mary, Rotherhithe	Rotherhithe	
	Camberwell	St. George, Camberwell.	
		Peckham	
		St. Giles, Camberwell	
Greenwich	St. Paul, Deptford	Deptford	20
	St. Nicholas, Deptford		
	Greenwich	Greenwich	
	Woolwich	Woolwich	
	Plumstead	Plumstead	
	Charlton next Woolwich	Charlton	
	Lee		
	Kidbrooke		
	Lewisham (minus Sydenham Chapelry)	Lewisham	
	Sydenham Chapelry	Sydenham	
	Eltham	Eltham	

THE SECOND SCHEDULE.

Division of Wards and Apportionment of Councillors.

1. The Secretary of State shall, as soon as conveniently may be after the passing of this Act, appoint not more than four fit persons to inquire and report to him on the division of wards and apportionment of councillors in the several boroughs.

2. Any one or more of those persons may be appointed to act separately from any other or others of them, as the Secretary of State thinks fit.

3. The Secretary of State may, if circumstances appear to him to so require, appoint any other fit person or persons in the place of or in addition to any person or persons originally so appointed.

4. Every person so appointed shall be paid at a rate not exceeding five guineas for every day on which he is employed, and the amount payable to him shall be paid, under direction of the Secretary of State, out of the borough rate of the borough.

5. The names of all persons so appointed shall be published in the London Gazette.

6. The division and apportionment shall be completed on or before the day of 1870.

7. A copy of the particulars of such division and apportionment shall in each case be forthwith transmitted to the Secretary of State.

8. The particulars thereof shall be published by direction of the Secretary of State in the London Gazette.

9. After such publication such division and apportionment shall be binding and have full effect.

10. The same shall nevertheless be submitted, as soon as conveniently may be, to Her Majesty in Council, who may either approve the same, or refer the same back to the same or any other person or persons, for further inquiry and report before approval thereof.

11. Every Order in Council containing such approval shall be published in the London Gazette, and the division and apportionment so approved shall be final and conclusive.

THE THIRD SCHEDULE.

First Elections of Councillors.

1. At the first elections the persons qualified to be elected councillors and to elect them shall be the persons who under the Metropolis Manage-

A.D. 1870.

ment Acts would be qualified to be elected and to elect vestrymen for the several parishes and parts of parishes comprised in the several wards of each borough.

2. Where a parish is only partly comprised in a borough or ward, the borough or ward for and in which a person shall be qualified to be elected and to vote shall be the one wherein the hereditaments in respect of which he claims to be qualified are situate.

3. Notice of the first elections of councillors shall be given by the churchwardens of every parish wholly or partly comprised in a borough, by causing to be published in the parish and in each part thereof comprised in a distinct ward of a borough, twenty-one days at least before the day of election, this notice:

Municipal Boroughs (Metropolis) Act, 1870.

Borough of .

Ward of .

The parishioners qualified according to The Metropolis Management Act, 1855, are hereby required to meet on the day of 1870, at and then and there to elect fit persons to be councillors of this borough for this ward.

4. Sections fourteen to nineteen, and twenty-one to twenty-seven, all inclusive, of The Metropolis Management Act, 1855, shall apply to the first elections, with the substitution of the word councillors for the word vestrymen, and the omission of so much of those sections as relates to auditors.

5. The first election of councillors in each borough shall be held on the day of 1870.

6. The councillors elected at the first election shall remain in office until the time of annual election of councillors under the Municipal Corporations Acts.

(Metropolis).

A

B I L L

For creating Municipal Boroughs in the Metropolis.

(*Prepared and brought in by Mr. Buxton and Mr. Thomas Hughes.*)

Ordered, by The House of Commons, *to be Printed*, 7 *March* 1870.

[Bill 65.]

Under 2 *oz.*

A

B I L L

TO

Alter and amend the Law relating to the Municipal Franchise in Ireland.

WHEREAS it is expedient to alter and amend the law relating to municipal franchises in Ireland:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same:

Short title.

1. This Act may be cited for all purposes as the Municipal Franchise (Ireland) Act, 1870.

Qualification of burgesses.

2. From and after the passing of this Act the thirtieth section of the Act of the third and fourth years of the reign of Her present Majesty, chapter one hundred and eight, shall be read and construed as if the words "*more than four pounds*" had been used and were substituted in the said thirtieth section instead of and for the words "*not less than ten pounds*," so and in such manner that, subject to all the provisions of the said Act, the occupation of any house, warehouse, counting-house, or shop rated at the net annual value of more than four pounds shall be as effectual to qualify any man to be enrolled as a burgess in any of the boroughs named in the Schedule (A.) to the said Act annexed (except Dublin) as the occupation of lands, tenements, and hereditaments rated at the net annual value of ten pounds and upwards was before the passing of this Act.

Saving rights under existing burgess rolls.

3. Nothing in this Act contained shall affect any existing burgess roll, but every such roll shall continue in force until the twenty-fifth day of October one thousand eight hundred and seventy, or until a new burgess roll shall have been made.

3 & 4 Vict. c. 108. to be construed with this Act.

4. The said Act of the third and fourth years of the reign of Her present Majesty, chapter one hundred and eight, and this Act shall be construed together as one Act.

[Bill 176.]

A

BILL

To alter and amend the Law relating to the Municipal Franchise in Ireland.

(*Prepared and brought in by Mr. William Johnston and Mr. M'Clure.*)

Ordered, by The House of Commons, *to be Printed*, 21 *June* 1870.

[176.]

Under 1 *oz.*

National Debt Bill.

ARRANGEMENT OF CLAUSES.

	Corresponding former Provisions.*
Part I.	
Preliminary.	
Short title.	
Division of Act into parts.	
Interpretation - - - - - -	1869, s. 6.
Effect of schedules.	
Part II.	
Denominations and Incidents of Stock.	
Continuance of existing permanent funded debt on existing terms.	
Stock charged on Consolidated Fund - - -	1856, s. 9.
Stock free from taxes - - - - -	1853, s. 17.
Interests in stock indefeasible - - - -	1853, s. 24.
Stock personal estate - - - - -	1853, s. 24.
Stock free from attachment - - - -	1853, s. 24.
Annuities to be several joint stocks - - -	1853, s. 23.
Part III.	
Payment of Dividends.	
Money for payment to be issuable - - - -	1856, s. 8.
Banks to have chief cashier and accountant general -	1853, s. 21.
Issue by Treasury - - - - - -	1853, s. 21.; 1856, s. 10.
Application of issues by cashier - - - -	1853, s. 21.; 1856, s. 10.

The references are as follows :—

52.—25 Geo. 2. c. 27.
16.—56 Geo. 3. c. 60.
24.—5 Geo. 4. c. 53.
30.—11 Geo. 4. & 1 Will. 4. c. 13.
35.—5 & 6 Will. 4. c. 62.
44, c. 4.—7 & 8 Vict. c. 4.
44, c. 5.—7 & 8 Vict. c. 5.
1845, c. 62.—8 & 9 Vict. c. 62.
1845, c. 97.—8 & 9 Vict. c. 97.
1853.—16 & 17 Vict. c. 23.
1856.—19 & 20 Vict. c. 21.
1860, c. 15.—23 & 24 Vict. c. 15.
1860, c. 71.—23 & 24 Vict. c. 71.
1861, c. 3.—24 & 25 Vict. c. 3,
1861, c. 35.—24 & 25 Vict. c. 35.
1862.—25 & 26 Vict. c. 21.
1863, c. 28.—26 & 27 Vict. c. 28.
1863, c. 33.—26 & 27 Vict. c. 33.
1869.—32 & 33 Vict. c. 104.
1870.—33 & 34 Vict. c.

Clauses.		Corresponding for Provisions.
16.	Accounting by cashier, &c. - - - -	1853, ss. 21, 2 1856, s. 1 1869, s. 5.
17.	Receipt of dividends by executors, &c. - - -	1845, c. 97. s. 1
18.	Evidence of title to dividend - - - -	1835, s. 14.
19.	Dividends in case of infancy, &c., of a joint stockholder -	1845, c. 97. s. 1
20.	Power for Bank of England to send dividend warrants by post.	1869, s. 2.
21.	Effect of posting a warrant - - - -	1869, ss. 3, 6.
	Part IV.	
	Transfer.	
22.	Mode of transfer - - - - - -	1853, s. 23.
23.	Transfer by executors, &c., of deceased persons - -	1845, c. 97. s.
24.	Evidence of title on transfer - - - -	1835, s. 14.
25.	Closing of transfer books for dividend - - -	1861, c. 3. s. 7 1862, s. 1.
	Part V.	
	Stock Certificates.	
26.	Certificate of title to stock - - - -	1863, c. 28. s.
27.	Descriptions of stock for which certificates may be issued -	1863, c. 28. s.
28.	Limitation of amount of certificate - - -	1863, c. 28. s.
29.	Restriction on trustees taking stock certificates - -	1863, c. 28. s.
30.	No notice of trust - - - - -	1863, c. 28. s.
31.	Stock in certificate outstanding not transferable - -	1863, c. 28. s.
32.	Distinction between stock certificates to bearer and nominal certificates.	1863, c. 28. s.
33.	Nominee in a nominal certificate not entitled to have it renewed as nominal.	1863, c. 28. s.
34.	Rules as to coupons - - - - -	1863, c. 28. s.
35.	Payment of coupons - - - - -	1863, c. 28. s.
36.	Income tax - - - - - -	1863, c. 28. s. 1863, c. 33. s.
37.	Fees in respect of dealing with stock under this part -	1863, c. 28. s.
38.	Loss or destruction of certificate or coupon - - -	1863, c. 28. s.
39.	General regulations with respect to stock certificates and coupons.	1863, c. 28. ss 10.
40.	Remuneration to Banks - - - - -	1863, c. 28. s.
41.	Stock in certificate to have incidents of other stock, except as to transfer, &c.	1863, c. 28. s.
42.	Application of this part to stock certificates already issued.	—

Clauses.		Corresponding former Provisions.
	Part VI.	
	Transfer between England and Ireland.	
43.	Application for transfer between England and Ireland -	1824, s. 13.
44.	Restriction on transfer before closing of books - -	1861, c. 35. s. 2.
45.	Notices of transfers to and by National Debt Commissioners	1824, s. 14.
46.	Stock transferred to National Debt Commissioners to be cancelled.	1824, s. 15.
47.	Transfer books to be kept by Banks - - -	1824, s. 16.
48.	Bank to whom transfer made to write stock into their books	1824, s. 17.
49.	Half-yearly certificates by Bank to Treasury and issue of dividend.	1824, s. 18.
50.	Quarterly certificates of total amount transferred - -	1824, s. 16.
51.	Loss or destruction of certificate - - - -	1824, s. 23.
52.	Application of this part to terminable annuities.	
	Part VII.	
	Unclaimed Dividends.	
53.	Transfer of unclaimed stock to National Debt Commissioners	1816, s. 1.; 1860, c. 71. s. 1.
54.	List of names from which stock transferred - -	1816, ss. 1, 3.; 1860, c. 71. s. 1.
55.	Mode of transfer - - - - - -	1816, s. 2.; 1860, c. 71. s. 1; 1861, c. 3. s. 8.; 1861, c. 35. s. 3.
56.	Subsequent dividends on stock transferred to be invested, &c.	1816, s. 4.; 1860, c. 71. s. 1.
57.	Re-transfer and payment to person showing title - -	1816, s. 5.; 1860, c. 71. s. 1.; 1861, c. 3. s. 8.
58.	Three months notice before re-transfer or payment -	1845, c. 62. s. 2.; 1860, c. 71. s. 1.
59.	Advertisements before re-transfer or payment - -	1845, c. 62. s. 2.; 1860, c. 71. s. 2.
60.	Application to court to rescind order - - -	1845, c. 62. s. 3.; 1860, c. 71. s. 1.

Clauses.		Corresponding former Provisions.
61.	Bank not responsible to second claimant - - -	1816, s. 6.; 1860, c. 71. s. 1.
62.	Order in favour of second claimant showing title - -	1816, s. 7.; 1860, c. 71. s. 1.
63.	Payment of unclaimed dividends to National Debt Commissioners.	1845, c. 61. s. 1.; 1860, c. 71. s. 1.
64.	Unclaimed stock in stock certificates and unclaimed coupons	1863, c. 28. ss. 12, 13.
65.	Investigation of circumstances of unclaimed dividends -	1845, c. 62. s. 5.; 1860, c. 71. s. 1.
66.	Allowance of expenses to Bank - - - -	1845, c. 62. s. 5.; 1860, c. 71. s. 1.
67.	Payment of compensation allowed - - - -	1845, c. 62. s. 5.; 1860, c. 71. s. 1.
68.	Indemnity to Banks - - - - -	1816, ss. 2, 6.; 1845, c. 62. s. 1.; 1860, c. 71. s. 1.
69.	Application of this part to stock already transferred, &c.	
70.	Application of this part to terminable annuities - -	1845, c. 62. s. 2.
	PART VIII.	
	MISCELLANEOUS.	
71.	Yearly payment to National Debt Commissioners in respect of 2*l.* 10*s.* per cents.	1853, s. 32.
72.	No fee for paying dividends, &c.; penalty - - -	1824, s. 23; 1856, s. 23.
73.	Stamp duty - - - - - -	1853, s. 23.; 1860, c. 15.; sched.; 1863, c. 28. s. 8.
74.	Continuance of Bank of England until redemption -	1853, s. 42.
75.	Extension of provisions as to executors, &c., to all stocks &c.	1845, ss. 1, 3.
76.	Protection to Banks - - - - -	1853, s. 42.

A

B I L L

FOR

Consolidating, with Amendments, certain Enactments relating to the National Debt. A.D. 1870.

WHEREAS with a view to the revision of the Statute Law, and particularly to the preparation of the revised edition of the Statutes now in progress, it is expedient to consolidate, with amendments, certain enactments relating to the National Debt:

Be it therefore declared and enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Part I.—Preliminary.

1. This Act may be cited as The National Debt Act, 1870. Short title.

2. This Act is divided into parts as follows:— Division of Act into parts.

Part I.—Preliminary.
Part II.—Denominations and Incidents of Stock.
Part III.—Payment of Dividends.
Part IV.—Transfer.
Part V.—Stock Certificates.
Part VI.—Transfer between England and Ireland.
Part VII.—Unclaimed Dividends.
Part VIII.—Miscellaneous.

3. In this Act— Interpretation.

"The Bank of England" means the Governor and Company of the Bank of England, and includes their successors:

"The Bank of Ireland" means the Governor and Company of the Bank of Ireland, and includes their successors:

"Stock" means the several capital or joint stocks of perpetual

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annuities described in the first schedule to this Act, and includes any share or interest therein respectively:

[1869, s. 6.] "Stockholder" means a person holding stock, being entered as proprietor thereof in the books of the Bank of England or of Ireland:

[Ibid.] "Warrant" includes draft, order, cheque, or other document used as a medium for payment of dividends:

"Accountant General" includes chief accountant:

"The Treasury" means the Commissioners of Her Majesty's Treasury, or two of them:

"The National Debt Commissioners" means the Commissioners for the Reduction of the National Debt:

"The consolidated fund" means the consolidated fund of the United Kingdom of Great Britain and Ireland:

"The Court of Chancery" means the Court of Chancery in England or the Court of Chancery in Ireland, as the case requires:

"Person" includes corporation:

"Representatives" means executors, administrators, or successors, and assigns.

Effect of schedules.

4. The schedules to this Act shall be deemed part of this Act.

Part II.—Denominations and Incidents of Stock.

Continuance of existing permanent funded debt on existing terms.

5. The perpetual annuities described in the first schedule to this Act, to the respective amounts thereof subsisting at *the passing of this Act*, and the several capital sums in respect whereof those several annuities are payable, do and shall form part of the National Debt, due to the several persons who at *the passing of this Act* are entitled thereto, and their representatives.

All the annuities aforesaid shall, until redemption, continue to be payable in manner in this Act provided, at the respective rates in the same schedule mentioned, by equal half-yearly dividends on the respective days therein mentioned.

All the annuities aforesaid shall respectively continue redeemable by Parliament at the periods and in the manner in the same schedule mentioned, at the rate of one hundred pounds sterling for every one hundred pounds of the capital sums in respect whereof they are payable, and (subject to the provisions of part V. of this Act) shall continue transferable in the books of the Bank of England or of Ireland by the several stockholders for the time being and their representatives.

Stock charged on consolidated fund. [1856, s. 9.]

6. The annuities and dividends aforesaid shall continue to be charged on and payable out of the consolidated fund.

7. The annuities and dividends aforesaid shall continue to be free from all taxes, charges, and impositions, in like manner as heretofore.
Stock free from taxes. [1853, s. 17.]

8. The interests of stockholders and their representatives in the annuities aforesaid shall continue to be indefeasible.
Interests in stock indefeasible [1853, s. 24.]

9. The annuities aforesaid shall continue to be personal estate, and not descendible to heirs.
Stock personal estate. [1853, s. 24.]

10. The annuities aforesaid shall continue to be not liable to foreign attachment by the custom of London or otherwise.
Stock free from attachment. [1853, s. 24.]

11. The annuities of each denomination mentioned in the first schedule to this Act taken together shall continue to constitute one capital or joint stock; and all persons for the time being entitled thereto shall continue to have a proportional interest in every such capital or joint stock.
Annuities to be several joint stocks. [1853, s. 23.]

Part III.—Payment of Dividends.

12. Sufficient money to pay the dividends on all stock, with the charges attending the same, shall continue to be from time to time issuable for that purpose out of the consolidated fund.
Money for payment to be issuable. [1856, s. 8.]

13. Until all stock is redeemed, the Banks of England and Ireland shall each continue to employ within their office a fit person as their chief cashier, and another fit person as their accountant general.
Banks to have chief cashier and accountant general. [1853, s. 21.]

14. The money from time to time and at any time issuable out of the consolidated fund and by this Act made applicable to the payment of the dividends on stock, shall, by order of the Treasury, without other warrant, from time to time be issued and paid to the respective chief cashiers of the Banks of England and Ireland by way of imprest and on account for the payment of those dividends.
Issue by Treasury. [1853, s. 21. 1856, s. 10.]

15. The chief cashier to whom money is from time to time so issued shall from time to time without delay apply the same in payment of the dividends on stock.
Application of issues by cashier. [1853, s. 21. 1856, s. 10.]

16. The chief cashier to whom money is so issued shall from time to time render his accounts thereof, and the same shall be audited, as the Treasury from time to time direct; but the Treasury may, if they think fit, dispense with such audit.
Accounting by cashier, &c. [1853, ss. 21, 22. 1856, s. 10. 1869, s. 5.]

The respective accountants general of the Banks of England and Ireland shall from time to time inspect and examine all receipts and payments of the respective chief cashiers of those Banks, and the vouchers relating thereto, in order to prevent fraud, negligence, or delay.

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Receipt of dividends by executors, &c. [1845, c. 97. s. 1.]

17. The Bank of England or of Ireland shall not be required to allow any executors or administrators to receive any dividend on stock held by their testator or intestate until the probate of the will or the letters of administration has or have been left with the Bank for registration.

Evidence of title to dividend. [1835, s. 14.]

18. The Banks of England and Ireland respectively before allowing the receipt of any dividend on any stock may, if the circumstances of the case appear to them to make it expedient, require evidence of the title of any person claiming a right to receive the dividend.

That evidence shall be the declaration of competent persons under the Act described in the second schedule to this Act, part I., or of such other nature as the Banks respectively require.

Dividends in case of infancy, &c., of a joint stockholder. [1845, c. 97. s. 3.]

19. Where stock is standing in the name of an infant or person of unsound mind, jointly with any person not under legal disability, a letter of attorney for the receipt of the dividends on the stock shall be sufficient authority in that behalf, if given under the hand and seal of the person not under disability, attested by two or more credible witnesses.

The Bank of England or of Ireland, before acting on the letter of attorney, may require proof to their satisfaction of the alleged infancy or unsoundness of mind, by the declaration of competent persons under the Act described in the second schedule to this Act, part I.

Dividend warrants by post. [1869, s. 2.]

20. The Banks of England and Ireland respectively may from time to time, with the sanction of the Treasury, make arrangements for payment of dividends on stock by sending warrants through the post.

Arrangements so made before the passing of this Act shall continue unless and until altered by arrangements made after the passing thereof under this part thereof.

Every warrant so sent by post shall be deemed a cheque on the Bank of England or of Ireland within the Act mentioned in the second schedule to this Act, part II.

Effect of posting a warrant. [1869, ss. 3, 6.]

21. Where a stockholder desires to have his dividend warrants sent to him by post, he shall make a request for that purpose to the Bank of England or of Ireland in writing, signed by him in a form approved by the Bank and the Treasury, and shall give to the Bank an address in the United Kingdom, or in the Channel Islands, or the Isle of Man, to which the letters containing the warrants are from time to time to be sent.

The posting by the Bank of a letter containing a dividend warrant addressed to a stockholder at his request under this or

any former Act at the address given by him to the Bank, shall as respects the liability of the Bank be equivalent to the delivery of the warrant to the stockholder himself. A.D. 1870.

Part IV.—Transfer.

Mode of transfer. [1853, s. 23.]

22. In the offices of the respective accountants general of the Banks of England and Ireland books shall continue to be kept wherein all transfers of stock shall be entered.

Every such entry shall be conceived in proper words for the purpose of transfer, and shall be signed by the party making the transfer,—or, if he is absent, by his attorney thereunto lawfully authorised by writing under his hand and seal, attested by two or more credible witnesses.

The person to whom a transfer is so made may, if he thinks fit, underwrite his acceptance thereof.

Except as otherwise provided by Act of Parliament, no other mode of transferring stock shall be good in law.

Transfer by executors, &c. of deceased persons. [1845, c. 97. s. 1.]

23. The interest of a stockholder dying (before or after the passing of this Act) in stock shall be transferable by his executors or administrators, notwithstanding any specific bequest thereof.

The Bank of England or of Ireland shall not be required to allow any executors or administrators to transfer any stock until the probate of the will of or the letters of administration to the deceased has or have been left with the Bank for registration, and may require all the executors who have proved the will to join in the transfer.

Evidence of title on transfer. [1835, s. 14.]

24. The Banks of England and Ireland respectively before allowing any transfer of stock may, if the circumstances of the case appear to them to make it expedient, require evidence of the title of any person claiming a right to make the transfer.

That evidence shall be the declaration of competent persons under the Act described in the second schedule to this Act, part I., or of such other nature as the Banks respectively require.

Closing of transfer books for dividend. [1861, c. 3. s. 7. 1862, s. 1.]

25. The Banks of England and Ireland respectively may close their books for the transfer of stock on any day in the month next preceding that in which the dividends on that stock are payable; but so that the books be not at any time so closed for more than fifteen days.

The persons who on the day of such closing are inscribed as stockholders shall as between them and their transferees of stock be entitled to the then current half year's dividend thereon.

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Part V.—Stock Certificates.

Certificate of title to stock. [1863, c. 28. s. 3.]

26. A stockholder may obtain a stock certificate, that is to say, a certificate of title to his stock or any part thereof, with coupons annexed, entitling the bearer of the coupons to the dividends on the stock.

Descriptions of stock for which certificates may be issued. [1863, c. 28. s. 5.]

27. Stock certificates shall be issued only in respect of consolidated three pounds per centum annuities, reduced three pounds per centum annuities, and new three pounds per centum annuities.

But the Treasury may by warrant declare that any other stock specified in the warrant shall be subject to this part of this Act, and thereupon stock certificates may be issued in respect of that stock also.

Limitation of amount of certificate. [1863, c. 28. s. 5.]

28. A stock certificate shall not be issued in respect of any sum of stock not being fifty pounds or a multiple of fifty pounds, or exceeding one thousand pounds.

Restriction on trustees taking stock certificates. [1863, c. 28. s. 4.]

29. A trustee of stock shall not apply for or hold a stock certificate unless authorised to do so by the terms of his trust; and any contravention of this section by a trustee shall be deemed a breach of trust.

But this section shall not impose on the Bank of England or of Ireland any obligation to inquire whether a person applying for a stock certificate is or is not a trustee, or subject either Bank to any liability in the event of their issuing a stock certificate to a trustee, or invalidate any stock certificate issued.

No notice of trust. [1863, c. 28. s. 5.]

30. No notice of any trust in respect of any stock certificate or coupon shall be receivable by the Bank of England or of Ireland.

Stock in certificate outstanding not transferable. [1863, c. 28. s. 13.]

31. Where a stock certificate is outstanding the stock represented thereby shall cease to be transferable in the books of the Bank of England or of Ireland.

Distinction between stock certificates to bearer and nominal certificates. [1863, c. 28. s. 6.]

32. A stock certificate, unless a name is inscribed therein, shall entitle the bearer to the stock therein described, and shall be transferable by delivery.

The bearer of a stock certificate may convert the same into a nominal certificate by inserting therein, in manner prescribed by any regulation made in pursuance of this part of this Act, the name address, and quality of some person.

A stock certificate when it becomes nominal shall not be transferable, and the person named therein (in this part of this Act called the nominee), or some person deriving title from him by devolution

in law, as in this part of this Act mentioned, shall alone be recognised by the Bank of England or of Ireland as entitled to the stock described in the certificate.

On the death of the nominee, his personal representative, and on his bankruptcy his assignee, and on the marriage of the nominee, being a female, her husband, shall alone be recognised by the Bank of England or of Ireland as entitled to the stock described in the certificate, and shall be deemed the nominee in that certificate.

Nominee in a nominal certificate not entitled to have it renewed as nominal. [1863, c. 28. s. 7.]

33. The nominee in a nominal stock certificate shall not be entitled to have the same renewed as nominal, but he shall, on delivery up of his certificate, and of all unpaid coupons belonging thereto, to the Bank of England or of Ireland by whom the certificate was issued, and on compliance with any regulation made in pursuance of this part of this Act, be entitled to receive in exchange from that Bank a stock certificate to bearer.

The nominee in a nominal stock certificate, and the bearer of a stock certificate to bearer, may, on the like delivery, and on compliance with any regulation made in pursuance of this part of this Act, require to be registered in the books of the Bank of England or of Ireland as a holder of the stock described in the certificate under which he derives title, and thereupon the stock shall be re-entered in the books kept by that Bank for the entry of transferable stock, and shall become transferable, and the dividends thereon shall be payable, as if no certificate had been issued in respect of such stock.

Rules as to coupons. [1863, c. 28. s. 5.]

34. The coupons annexed to a stock certificate shall comprise the dividends to be payable in respect of the stock therein described, for not less than five years from the date of the certificate.

At the expiration of that period fresh coupons shall be issued for a further period of not less than five years, and so for successive periods of not less than five years each, during the continuance in force of the stock certificate.

But the Bank of England or of Ireland may, if they think fit, in lieu of issuing fresh coupons in respect of a stock certificate, give in exchange a fresh stock certificate with coupons annexed.

Payment of coupons. [1863, c. 28. s. 5.]

35. Coupons payable by the Bank of England or of Ireland shall be payable at the chief establishment of the respective Bank at the expiration of three clear days from the day of presentation, and at any branch establishment of the same Bank, situate more than ten miles from the chief establishment at the expiration of five clear days from the day of presentation.

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The payment to the bearer of a coupon of the amount expressed therein shall be a full discharge to the Bank of England or of Ireland from all liability in respect of that coupon and the dividend represented thereby.

Income tax. [1863, c. 28. s. 11. 1863, c. 33. s. 24.]

36. Income tax shall be deducted from coupons in the same manner and subject to the same regulations in and subject to which it may by law be deducted from dividends payable by the Bank of England or of Ireland in respect of stock of stockholders inscribed in the books of that Bank; save only that income tax shall be deducted from a coupon, although the dividend represented thereby does not amount to fifty shillings.

Fees in respect of dealing with stock under this part. [1863, c. 28. s. 8.]

37. No fee shall be charged on the issue of a stock certificate to bearer, in exchange for a like certificate, but there shall be charged with respect to the several other proceedings in relation to stock authorised by this part of this Act the fees specified in the third schedule to this Act, or such less fees as may be determined by the Treasury.

All fees received in pursuance of this part of this Act shall be paid into the receipt of Her Majesty's Exchequer.

Loss or destruction of certificate or coupon. [1863, c. 28. s. 5.]

38. If a stock certificate or coupon is lost or destroyed, the Bank of England or of Ireland (as the case requires) shall issue a new certificate or coupon, on receiving indemnity to their satisfaction against the claims of all persons deriving title under the certificate or coupon lost or destroyed.

General regulations with respect to stock certificates and coupons. [1863, c. 28. ss. 6, 10.]

39. The Banks of England and Ireland respectively, with the sanction of the Treasury, may from time to time issue any forms that may be required for carrying into effect this part of this Act, and may from time to time make any regulations not inconsistent with this part of this Act relative to the following things:

1. The time for which coupons are to be given:
2. The conversion of a stock certificate to bearer into a nominal certificate:
3. The authority under which and the mode in which the Bank are to act in issuing stock certificates or exchanging nominal certificates for certificates to bearer, or registering in their books the holders of stock certificates, or taking any other proceedings in relation to stock authorised to be taken under this part of this Act:
4. The mode of proving the title of or identifying any person applying for a stock certificate or deriving any title under a stock certificate:

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5. The mode of proof of the death or bankruptcy of the nominee or of the marriage of the nominee being a female:

6. The mode of proof of the loss or destruction of a stock certificate or coupon:

7. Any other matter necessary to carry this part of this Act into effect:

Regulations so made before the passing of this Act shall continue in force unless and until altered by regulations made after the passing of this Act under this part thereof.

Any regulation so made before or after the *passing of this Act* shall be deemed to be part of this Act in the same manner as if it were enacted in this part of this Act.

Remuneration to Banks. [1863, c. 28. s. 9.]

40. There shall be paid to the Banks of England and Ireland respectively out of the consolidated fund, on account of the additional trouble, expense, and responsibility, if any, imposed on them by this part of this Act, in addition to the remuneration otherwise payable to them in respect of the management of the National Debt, such remuneration as the Treasury and they agree on.

Stock in certificate to have incidents of other stock, except as to transfer, &c. [1863, c. 28. s. 13.]

41. Stock described in a stock certificate shall be charged on the same securities, and be subject to the same powers of redemption, and save as relates to the mode of transfer and payment of dividends thereon, shall be subject to the same incidents in all respects, including the remuneration payable to the Bank of England or of Ireland, as if it had continued registered in the books of that Bank as stock transferable therein.

Application of this part to stock certificates already issued, &c.

42. Where a stock certificate has been issued under any former Act, this part of this Act shall have effect in relation thereto, and to the coupons annexed thereto and to the stock and dividends represented thereby respectively, in like manner, as nearly as may be, as if the certificate were issued after the passing of this Act under this part thereof.

Part VI.—Transfer between England and Ireland.

Application for transfer between England and Ireland. [1824, s. 13.]

43. A stockholder holding stock transferable in the books of the Bank of England or of Ireland may make application in writing to that Bank for permission to transfer the same for the purpose of having the same amount of stock of the same denomination written into the books of the other Bank.

Thereupon and on the applicant transferring the stock to which the application relates to the National Debt Commissioners, the

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Bank from whose books the transfer is to be made shall grant to the transferor a certificate of the facts of and connected with the transfer, directed to the other Bank.

Every application for permission to transfer, and every certificate of transfer, under this section, shall be according to a form established by the Bank of England in concurrence with the Bank of Ireland.

Restriction on transfer before closing of books. [1861, c. 35. s. 2.]

44. It shall not be lawful for any person to make any transfer for the purposes of this part of this Act of any stock from England to Ireland, or from Ireland to England, during three clear days before the day or days on which the books of the Banks of England and Ireland respectively or of either of those Banks are from time to time closed for dividend under part IV. of this Act.

Notices of transfers to and by National Debt Commissioners. [1824, s. 14.]

45. Where such a transfer is made from the books of the Bank of England, that Bank shall on the day of transfer give notice thereof to the National Debt Commissioners at their office, who shall on receipt of the notice send it to the Bank of Ireland.

Where such a transfer is made from the books of the Bank of Ireland, that Bank shall on the day of transfer send notice thereof to the National Debt Commissioners at their office in London, who shall on receipt of the notice deliver it to the Bank of England.

Stock transferred to National Debt Commissioners to be cancelled. [1824, s. 15.]

46. Immediately on any such transfer being made to the National Debt Commissioners, the stock transferred shall be cancelled by them, and shall be for ever discharged from the account of the National Debt in Great Britain or in Ireland, as the case requires.

Transfer books to be kept by Banks. [1824, s. 16.]

47. In the offices of the respective accountants general of the Banks of England and Ireland books shall be kept, wherein the names of all persons making under this part of this Act transfers to the National Debt Commissioners shall be entered, which books all such persons and their representatives may at all reasonable times inspect without fee.

Bank to whom transfer made to write stock into their books. [1824, s. 17.]

48. On a transfer being made under this part of this Act, then on the production of a certificate under this part of this Act of the Bank from whose books the transfer is made the other Bank shall write into their books, in the name of the person in the certificate named for that purpose, stock of the denomination and amount therein specified.

Every such sum of stock shall carry dividend from the day on which dividend became due next before the transfer under this part of this Act.

Half-yearly certificates by Bank to

49. The Banks of England and Ireland, on making up their books for half-yearly dividend, shall certify to the Treasury the

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amount of stock which has been written into the books of the respective Banks under this part of this Act in the course of the then last preceding half year, and for which dividend is payable.

Treasury and issue of dividend. [1824, s. 18.]

50. The Banks of England and Ireland shall, on or before the fifteenth day of March, June, September, and December in each year, certify to the Treasury the total amount of the several stocks transferred under this part of this Act.

Quarterly certificates of total amount transferred. [1824, s. 16.]

51. In case of the loss or destruction of a certificate of the Bank of England or of Ireland under this part of this Act, that Bank, on proof of the same to their satisfaction, may grant a duplicate thereof, which shall stand in the place of the original, if the original has not been previously acted on; but on tender of such a duplicate the Bank to whom it is tendered may demand and take from the person tendering it sufficient security to Her Majesty, her heirs and successors, to indemnify that Bank against the production of or any claim under the original.

Loss or destruction of certificate. [1824, s. 21.]

If at any time after a duplicate has been produced and acted on the original is surrendered to the Bank to whom the security was given, they shall detain and cancel the original, and send it cancelled to the other Bank, and deliver up the security to the persons by whom it was entered into, or such of them as require it.

52. In the enactments described in the second schedule to this Act, part III., this part of this Act shall be deemed to be substituted for the Act of the fifth year of the reign of King George the Fourth in those enactments mentioned.

Application of this part to terminable annuities.

Part VII.—Unclaimed Dividends.

53. All stock, no dividend whereon is claimed for ten years before the last day on which a dividend thereon becomes payable (except where payment of dividend has been restrained by a Court of Equity) shall be transferred in the books of the Bank of England or of Ireland (as the case may be) to the National Debt Commissioners.

Transfer of unclaimed stock to National Debt Commissioners. [1816, s. 1. 1860, c. 71. s. 1.]

54. Immediately after every such transfer the name in which the stock stood immediately before the transfer, the residence and description of the parties, the amount transferred, and the date of transfer, shall be entered in a list to be kept for the purpose by

List of names from which stock transferred. [1816, ss. 1, 3. 1860, c. 71. s. 1.]

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the Bank in whose books the stock stands, which list shall be open for inspection at the usual hours of transfer.

A duplicate of each list shall be kept at the office of the National Debt Commissioners.

Mode of transfer.
[1816, s. 2. 1860, c. 71. s. 1. 1861, c. 3. s. 8. 1861, c. 35. s. 3.]

55. Every such transfer shall be made and signed by the accountant general or deputy accountant general or secretary or deputy or assistant secretary of the Bank in whose books the stock stands at the transfer, and shall be as effectual to all intents as if signed by the person in whose name the stock then stands.

Subsequent dividends on stock transferred to be invested, &c.
[1816, s. 4. 1860, c. 71. s. 1.]

56. Where stock is transferred under this part of this Act all dividends accruing thereon after the transfer shall be paid to the National Debt Commissioners, and shall be from time to time invested by them in the purchase of other like stock to be placed to their account of unclaimed dividends.

All such dividends and the stock arising from the investment thereof shall be held by those Commissioners for the public, subject to the claims of the parties entitled thereto.

Re-transfer and payment to person showing title.
[1816, s. 5. 1860, c. 71. s. 1. 1861, c. 3. s. 8.]

57. The Governor or Deputy Governor of the Bank of England or of Ireland may direct the accountant general or deputy accountant general or secretary or deputy or assistant secretary of that Bank to re-transfer any stock transferred under this part of this Act to any person showing his right thereto to the satisfaction of the Governor or Deputy Governor, and to pay the dividends due thereon, as if the same had not been transferred or paid to the National Debt Commissioners.

But in case the Governor or Deputy Governor is not satisfied of the right of any person claiming to be entitled to any such stock or dividends, the claimant may, by petition in a summary way, state and verify his claim to the Court of Chancery.

The petition shall be served on Her Majesty's Attorney General and on the National Debt Commissioners, and the court shall make such order thereon (either for re-transfer of the stock to which the petition relates and payment of the dividends accrued thereon, or otherwise), and touching the costs of the application, as to the court seems just.

All costs and expenses incurred by or on behalf of the Attorney General, or the National Debt Commissioners, in resisting or appearing on any such petition, if not ordered by the court to be paid out of the stock and dividends thereby claimed, shall be paid by the National Debt Commissioners, out of unclaimed dividends.

Where any re-transfer or payment is made to any such claimant, either with or without the authority of the court, the Bank of England or of Ireland (as the case requires) shall give notice thereof to the National Debt Commissioners, within three days after making the same.

Three months notice before re-transfer or payment. [1845, c.62.s.2. 1860, c. 71. s. 1.]

58. Stock exceeding the sum of twenty pounds shall not be re-transferred from the National Debt Commissioners under this part of this Act, nor shall dividends exceeding twenty pounds in the whole be paid to a claimant under this part of this Act, until three months after application made for the same, nor until public notice has been given thereof as in this part of this Act provided.

Advertisements before re-transfer or payment. [1845, c.62.s.2. 1860, c. 71. s. 2.]

59. The Bank of England or of Ireland shall require the applicant to give such public notice as they think fit by advertisements, in the case of either Bank in one or more newspapers circulating in London and elsewhere, and in the case of the Bank of Ireland also in one or more newspapers circulating in Dublin and elsewhere in Ireland.

Every such notice shall state the name, residence, and description of the person in whose name the stock stood when transferred to the National Debt Commissioners, the amount thereof, the name of the claimant, and the time at which the re-transfer thereof and payment of dividends will be made if no other claimant sooner appears and makes out his claim.

Where any such re-transfer or payment is ordered by the Court of Chancery the notice shall also state the purport of the order.

Application to court to rescind order. [1845, c. 62. s. 3. 1860, c. 71. s. 1.]

60. At any time before re-transfer of stock or payment of dividend as aforesaid to a claimant any person may apply to the Court of Chancery, by motion or petition, to rescind or vary any order made for re-transfer or payment thereof.

Bank not responsible to second claimant. [1816, s. 6. 1860, c. 71. s. 1.]

61. Where any stock or dividends having been re-transferred or paid as aforesaid to a claimant by either Bank is or are afterwards claimed by another person, the Bank and their officers shall not be responsible for the same to such other claimant, but he may have recourse against the person to whom the re-transfer or payment was made.

Order in favour of second claimant showing title. [1816, s. 7. 1860, c. 71. s. 1.]

62. Provided, that if in any case a new claimant establishes his title to any stock or dividends re-transferred or paid to a former claimant, and is unable to obtain transfer or payment thereof from the former claimant, the Court of Chancery shall, on application by petition by the new claimant, verified as the Court

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requires, order the National Debt Commissioners to transfer to him such sum in stock, and to pay to him such sum in money for dividend, as the Court thinks just.

Such transfer shall be made from stock transferred to the National Debt Commissioners under this part of this Act; and such money for dividend shall be paid from dividends received by those Commissioners on stock so transferred, or the accumulations thereof, or from the sale of stock purchased with such dividends or accumulations, or from other money at their disposal.

Payment of unclaimed dividends to National Debt Commissioners. [1845, c. 61. s. 1. 1860, c. 71. s. 1.]

63. Where any dividend accrued due on any sum of stock is not claimed for ten years before the last day on which a dividend thereon becomes payable, the dividend so unclaimed, and all dividends subsequently accrued due in respect of the same sum of stock and unclaimed, shall be paid to the National Debt Commissioners.

All such dividends shall be held and dealt with in like manner, as nearly as may be, as stock transferred to those Commissioners under this part of this Act, or the dividends accruing thereon after the transfer (as the case requires); and this part of this Act shall accordingly have effect in relation thereto and to the investment and payment of and claims to the same, as if the foregoing provisions of this part of this Act were repeated and in terms made applicable thereto respectively.

Unclaimed stock in stock certificates and unclaimed coupons. [1863, c. 28. ss. 12, 13.]

64. All stock described in a stock certificate in respect of which no coupon is presented for payment for ten years shall be dealt with in like manner, as nearly as may be, as stock no dividend whereon is claimed for ten years.

Sums due and unclaimed on coupons shall be dealt with in like manner, as nearly as may be, as unclaimed dividends due in respect of stock.

Investigation of circumstances of unclaimed dividends. [1845, c. 62. s. 5. 1860, c. 71. s. 1.]

65. The Treasury may from time to time empower the Bank of England or of Ireland to investigate the circumstances of any stock or dividends remaining unclaimed with a view to ascertain the owners thereof, and allow to them such compensation as to the Treasury seems just for their trouble and expenses in that behalf.

Allowance of expenses to Bank. [1845, c. 62. s. 5. 1860, c. 71. s. 1.]

66. The Treasury may from time to time allow to the Bank of England or of Ireland a reasonable compensation for all expenses incurred by them in and about notices and advertisements directed by this part of this Act, and other services required or authorised by this part of this Act.

Payment of compensation allowed.

67. Compensation allowed by the Treasury under this part of this Act may be deducted rateably from the stock and dividends

from time to time re-transferred or paid, with reference to which the trouble, expenses, and services have been incurred and performed by the Bank, or the same may be paid by the National Debt Commissioners out of unclaimed stock or dividends transferred to or received by them.

[1845, c. 62. s. 5. 1860, c. 71. s. 1.]

68. The Banks of England and Ireland and their respective governors, deputy governors, and officers are hereby indemnified in respect of every transfer or re-transfer of stock or payment of dividends under this part of this Act, and shall not be in any manner responsible to any person having or claiming any interest therein.

Indemnity to Banks.

[1816, ss. 2, 6. 1845, c. 62. s. 1. 1860, c. 71. s. 1.]

69. Where under any former Act relating to unclaimed stock or unclaimed dividends any stocks, funds, or annuities, or any principal or other sums have, in consequence of the same or of the dividends thereon being unclaimed, been transferred to the National Debt Commissioners, or any unclaimed dividends have been paid to those Commissioners, this part of this Act shall have effect in relation to the stocks, funds, annuities, principal, or other sums and dividends so transferred and paid, and to any stock or security representing the same or any of them, and to all accumulations and investments of those dividends, in like manner, as nearly as may be, as if such transfer, payment, and investment were made after the passing of this Act under this part thereof.

Application of this part to stock already transferred, &c.

70. This part of this Act shall apply to unclaimed annuities for terms of years forming part of the National Debt.

In the application thereto of this part of this Act, a terminable annuity exceeding one pound per annum shall be deemed to be substituted for stock exceeding twenty pounds.

In the enactment described in the second schedule to this Act, part IV., this part of this Act shall be deemed to be substituted for the Act of the fifty-sixth year of the reign of King George the Third in that enactment mentioned.

Application of this part to terminable annuities.

[1845, c. 62. s. 2.]

Part VIII.—Miscellaneous.

71. In respect of each sum of one hundred and ten pounds of the two pounds ten shillings per centum annuities there shall continue to be paid to the National Debt Commissioners on the fifth day of July in each year until and inclusive of the fifth day of July One thousand eight hundred and ninety-four the sum of five shillings, and so in proportion for any less sum of such annuities.

Yearly payment to National Debt Commissioners in respect of 2*l.* 10*s.* per cents.

[1853, s. 32.]

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That yearly sum shall continue to be charged on the Consolidated Fund and to be issued and paid thereout either to the Bank of England or to the Bank of Ireland to the account of the National Debt Commissioners, as those Commissioners from time to time direct, and to be applied towards the reduction of the National Debt as other money paid to them for that purpose is by law applicable.

A separate account shall continue to be kept by the National Debt Commissioners of the application of that yearly sum.

For the purposes of the Acts for regulating the reduction of the National Debt, that yearly sum shall be deemed part of the expenditure of the United Kingdom.

No fee for paying dividends, &c.; penalty. [1824, s. 23. 1856, s. 23.]

72. No fee, reward, or gratuity shall be demanded or taken for paying any dividend or for any transfer of stock or for receiving any certificate or duplicate certificate under part VI. of this Act, on pain that any person offending by demanding or taking any such fee, reward, or gratuity shall for every such offence forfeit the sum of *twenty pounds* to the party aggrieved, with full costs of suit, to be recovered in any of Her Majesty's Superior Courts of Law in England or Ireland.

Stamp duty. [1853, s. 23. 1860, c. 15. Sched. 1863, c. 28. s. 8.]

73. No stamp duty shall be payable in respect of any dividend warrant, transfer of stock, stock certificate, or coupon.

Continuance of Bank of England. [1853, s. 42.]

74. The Bank of England shall continue a corporation for the purposes of this Act until all stock is duly redeemed by Parliament.

Extension of provisions as to executors, &c., to all stocks, &c. [1845, ss. 1, 3.]

75. Such of the provisions of parts III. and IV. of this Act as relate to receipt of dividends and transfer of stock by executors or administrators, and to evidence of title to dividends or stock, and to receipt of dividends on stock standing in the names of infants or persons of unsound mind, shall apply to all stock of any company or corporation, funds or annuities, transferable in the books of the Bank of England or of Ireland.

Protection to Banks. [1853, s. 42.]

76. The Bank of England or of Ireland, or any member of the corporation thereof respectively, shall not incur any disability for or by reason of those Banks respectively doing any thing in pursuance of this Act.

SCHEDULES.

THE FIRST SCHEDULE.

Stocks; Dividend Days; Redemption.

Denominations of the several Stocks of Perpetual Annuities.	Dates of Half-yearly Dividends.	Periods of Redemption.	
Consolidated Three pounds per centum annuities.	5 January, 5 July - -	At any time after passing of this Act, subject and according to regulation subjoined.	
Reduced Three pounds per centum annuities.	5 April, 5 October - -	At any time after passing of this Act, subject and according to regulation subjoined.	
New Five pounds per centum annuities.	5 January, 5 July - -	At any time after 5 January 1873.	[1830, s. 2. 1870, s. .]
New Three pounds per centum annuities.	5 April, 5 October - -	At any time after 10 October 1874.	[1844, c. 4. s. 2. 1844, c. 5. s. 1.]
New Three pounds ten shillings per centum annuities.	5 January, 5 July - -	At any time after 5 January 1894.	[1853, s. 2.]
Two pounds ten shillings per centum annuities.	5 January, 5 July - -	At any time after 5 January 1894.	[1853, s. 2.]

Regulation.

The Consolidated Three pounds per centum annuities and the Reduced Three pounds per centum annuities respectively are redeemable as follows, namely:—At any time on one year's notice printed in the London Gazette, and affixed on the Royal Exchange in London, and on repayment by Parliament according to such notice of the several sums, or any part thereof, for which the said several annuities, or either of them, are or is payable, by payments not less than 500,000*l.* at one time, in manner directed by any Act to be passed, and also on full payment of all arrears of the same annuities. Then, and not till then, so much of the annuities as are attending on the principal sums so paid off, shall cease and be understood to be redeemed. Any vote or resolution of the House of Commons signified by the Speaker in writing, inserted in the London Gazette, and affixed on the Royal Exchange in London, shall be deemed sufficient notice. [1752, s. 24.]

THE SECOND SCHEDULE.

Enactments referred to.

PART I.

5 & 6 Will. 4. c. 62.—An Act to repeal an Act of the present session of Parliament, intituled 'An Act for the more effectual abolition of oaths and affirmations taken and made in various departments of the State, and to substitute declarations in lieu thereof, and for the more entire suppression of voluntary and extra-judicial oaths and affidavits'; and to make other provisions for the abolition of unnecessary oaths [which Act may be cited in any declaration made thereunder for the purposes of this Act as The Statutory Declarations Act, 1835].

PART II.

21 & 22 Vict. c. 79.—An Act to amend the law relating to cheques or drafts on bankers.

PART III.

Section four of 3 & 4 Will. 4. c. 24.—An Act to amend an Act of the tenth year of His late Majesty for regulating the reduction of the National Debt.

Section twenty-one of 18 & 19 Vict. c. 18.—An Act for raising the sum of sixteen millions by way of annuities.

PART IV.

Section eleven of 2 & 3 Will. 4. c. 59.—An Act to transfer the management of certain annuities on lives from the receipt of His Majesty's Exchequer to the management of the Commissioners for the Reduction of the National Debt, and to amend an Act for enabling the said Commissioners to grant life annuities and annuities for terms of years.

THE THIRD SCHEDULE.

Fees as to Stock Certificates.

On the issue of a stock certificate, a fee not exceeding five shillings on every hundred pounds of stock included in the certificate, and a proportional sum for any less sum. [1863, c. 28. sched.]

If the applicant is the registered holder of an amount of stock divisible into several sums of fifty pounds or multiples of fifty pounds, he may require such sums of fifty pounds or such multiples of fifty pounds to be distributed amongst different certificates, as he thinks fit; subject to this proviso, that if the number of certificates required by him exceed the proportion of five to a thousand pounds he shall, in respect to each certificate constituting that excess, pay a sum of sixpence in addition to the per-centage fee.

On the change of a nominal certificate for a certificate to bearer, or on the registration in the books of the Bank of the stock included in a nominal certificate, there shall be charged a fee not exceeding one half the fee that would be chargeable on the issue of a new certificate to bearer.

On the registration in the books of the Bank of the stock included in a stock certificate to bearer there shall be charged a fee not exceeding five shillings.

National Debt.

A

BILL

For consolidating, with Amendments, certain Enactments relating to the National Debt.

(*Prepared and brought in by Mr. Stansfeld and Mr. Chancellor of the Exchequer.*)

Ordered, by The House of Commons, *to be Printed*, 12 *July* 1870.

[Bill 213.]

Under 3 *oz.*

National Debt (Consolidation and Dividends).

A

B I L L

To amend the Law relating to the National Debt.

(*Not Printed.*)

[Bill 21.]

Naturalization Bill. [H.L.]

ARRANGEMENT OF CLAUSES.

Clause.
1. Short Title.

Status of Aliens in the United Kingdom.

2. Capacity of an alien as to property.
3. Power of naturalized aliens to divest themselves of their status in certain cases.
4. How British-born subject may cease to be such.
5. Alien not entitled to jury de medietate linguæ.

Expatriation.

6. Capacity of British subject to renounce allegiance to Her Majesty.

Naturalization and resumption of British nationality.

7. Certificate of naturalization.
8. Certificate of re-admission to British nationality.
9. Form of oath of allegiance.

National status of married women and infant children.

10. National status of married women and infant children.

Supplemental provisions.

11. Regulations as to registration.
12. Regulations as to evidence.

Miscellaneous.

13. Saving of letters of denization.
14. Saving as to British ships.
15. Saving of allegiance prior to expatriation.
16. Power of colonies to legislate with respect to naturalization.
17. Definitions.

Repeal of Acts mentioned in Schedule.

18. Repeal of Acts.

SCHEDULE.

A

B I L L

INTITULED

An Act to amend the Law relating to the legal condition of Aliens and British Subjects. A.D. 1870.

[*The words printed in red ink are proposed to be inserted in Committee.*]

WHEREAS it is expedient to amend the law relating to the legal condition of aliens and British subjects:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited for all purposes as "The Naturalization Act, 1870." Short title of Act.

Status of Aliens in the United Kingdom.

2. Real and personal property of every description may be taken, acquired, held, and disposed of by an alien in the same manner in all respects as by a natural-born British subject; and a title to real and personal property of every description may be derived through, from, or in succession to an alien, in the same manner in all respects as through, from, or in succession to a natural-born British subject: Provided,— Capacity of an alien as to property.

(1.) That this section shall not confer any right on an alien to hold real property situate out of the United Kingdom, and shall not qualify an alien for any office or for any municipal, parliamentary, or other franchise:

(2.) That this section shall not entitle an alien to any right or privilege as a British subject, except such rights and privileges in respect of property as are hereby expressly given to him:

(3.) That this section shall not affect any estate or interest in real or personal property to which any person has or may become entitled, either mediately or immediately, in possession or expectancy, in pursuance of any disposition made before the passing of this Act, or in pursuance of any devolution by law on the death of any person dying before the passing of this Act:

A.D. 1870.

(4.) That it shall be lawful for Her Majesty in Council to suspend the operation of this Act as to the enjoyment of property by aliens subjects of any state at war with Her Majesty during the continuance of such hostilities.

Power of naturalized aliens to divest themselves of their status in certain cases.

3. Where Her Majesty has entered into a convention with any foreign state to the effect that the subjects or citizens of that state who have been naturalized as British subjects may divest themselves of their status as such subjects, it shall be lawful for Her Majesty, by Order in Council, to declare that such convention has been entered into by Her Majesty; and from and after the date of such Order in Council, any person being originally a subject or citizen of the state referred to in such Order, who has been naturalized as a British subject, may, within such limit of time as may be provided in the convention, make a declaration of alienage, and from and after the date of his so making such declaration such person shall be regarded as an alien, and as a subject of the state to which he originally belonged as aforesaid.

A declaration of alienage may be made as follows; that is to say,—If the declarant be in the United Kingdom in the presence of any justice of the peace, if elsewhere in Her Majesty's dominions in the presence of any judge of any court of civil or criminal jurisdiction, of any justice of the peace, or of any other officer for the time being authorized by law in the place in which the declarant is to administer an oath for any judicial or other legal purpose. If out of Her Majesty's dominions in the presence of any officer in the diplomatic or consular service of Her Majesty.

How British-born subject may cease to be such.

4. Any person who by reason of his having been born within the dominions of Her Majesty is a natural-born subject, but who also at the time of his birth became under the law of any foreign state a subject of such state, and is still such subject, may, if of full age and not under any disability, make a declaration of alienage in manner aforesaid, and from and after the making and registration of such declaration of alienage such person shall cease to be a British subject.

Alien not entitled to jury de medietate linguæ.

5. From and after the passing of this Act, an alien shall not be entitled to be tried by a jury de medietate linguæ, but shall be triable in the same manner as if he were a natural born subject.

Expatriation.

Capacity of British subject to renounce allegiance to Her Majesty.

6. Any British subject who has at any time before, or may at any time after the passing of this Act, when in any foreign state and not under any disability voluntarily become naturalized in such state,

shall from and after the time of his so having become naturalized in such foreign state, be deemed to have ceased to be a British subject and be regarded as an alien; Provided,— A.D. 1870.

(1.) That where any British subject has before the passing of this Act voluntarily become naturalized in a foreign state and yet is desirous of remaining a British subject, he may, at any time within two years after the passing of this Act, make a declaration that he is desirous of remaining a British subject, and upon such declaration herein-after referred to as a declaration of British nationality being made, and upon his taking the oath of allegiance, the declarant shall be deemed to be and to have been continually a British subject; with this qualification, that he shall not, when within the limits of the foreign state in which he has been naturalized, be deemed to be a British subject, unless he has ceased to be a subject of that state in pursuance of the laws thereof, or in pursuance of a treaty to that effect:

(2.) A declaration of British nationality may be made, and the oath of allegiance be taken as follows; that is to say,— if the declarant be in the United Kingdom in the presence of a justice of the peace; if elsewhere in Her Majesty's dominions in the presence of any judge of any court of civil or criminal jurisdiction, of any justice of the peace, or of any other officer for the time being authorized by law in the place in which the declarant is to administer an oath for any judicial or other legal purpose. If out of Her Majesty's dominions in the presence of any officer in the diplomatic or consular service of Her Majesty.

Naturalization and resumption of British Nationality.

Certificate of naturalization.

7. An alien who, within such limited time before making the application herein-after mentioned as may be allowed by one of Her Majesty's Principal Secretaries of State, either by general order or on any special occasion, has resided in the United Kingdom for a term of not less than three years, or has been in the service of the Crown for a term of not less than three years, and intends, when naturalized, either to reside in the United Kingdom, or to serve under the Crown, may apply to one of Her Majesty's Principal Secretaries of State for a certificate of naturalization.

A.D. 1870.

The applicant shall adduce in support of his application such evidence of his residence or service, and intention to reside or serve, as such Secretary of State may require. The said Secretary of State, if satisfied with the evidence adduced, shall take the case of the applicant into consideration, and may, with or without assigning any reason, give or withhold a certificate as he thinks most conducive to the public good, and no appeal shall lie from his decision, but such certificate shall not take effect until the applicant has taken the oath of allegiance.

An alien to whom a certificate of naturalization is granted shall in the United Kingdom be entitled to all political and other rights, powers, and privileges, and be subject to all obligations, to which a natural-born British subject is entitled or subject in the United Kingdom, with this qualification, that he shall not, when within the limits of the foreign state of which he was a subject previously to obtaining his certificate of naturalization, be deemed to be a British subject unless he has ceased to be a subject of that state in pursuance of the laws thereof, or in pursuance of a treaty to that effect.

The said Secretary of State may in manner aforesaid grant a special certificate of naturalization to any person with respect to whose nationality as a British subject a doubt exists, and he may specify in such certificate that the grant thereof is made for the purpose of quieting doubts as to the right of such person to be a British subject, and the grant of such special certificate shall not be deemed to be any admission that the person to whom it was granted was not previously a British subject.

An alien who has been naturalized previously to the passing of this Act may apply to the Secretary of State for a certificate of naturalization under this Act, and it shall be lawful for the said Secretary of State to grant such certificate to such naturalized alien upon the same terms and subject to the same conditions in and upon which such certificate might have been granted if such alien had not been previously naturalized in the United Kingdom.

Certificate of re-admission to British nationality.

8. A natural-born British subject who has become an alien in pursuance of this Act, and is in this Act referred to as a statutory alien, may, on performing the same conditions and adducing the same evidence as is required in the case of an alien applying for a certificate of nationality, apply to one of Her Majesty's Principal Secretaries of State for a certificate herein-after referred to as a certificate of re-admission to British nationality, re-admitting him to the status of a British subject. The said Secretary of State

shall have the same discretion as to the giving or withholding of the certificate as in the case of a certificate of naturalization, and an oath of allegiance shall in like manner be required previously to the issuing of the certificate.

A statutory alien to whom a certificate of re-admission to British nationality has been granted shall, from the date of the certificate of re-admission, but not in respect of any previous transaction, resume his position as a British subject; with this qualification, that within the limits of the foreign state of which he became a subject he shall not be deemed to be a British subject unless he has ceased to be a subject of that foreign state according to the laws thereof, or in pursuance of a treaty to that effect.

The jurisdiction by this Act conferred on the Secretary of State in the United Kingdom in respect of the grant of a certificate of re-admission to British nationality, in the case of any statutory alien being in any British possession, may be exercised by the governor of such possession; and residence in such possession shall, in the case of such person, be deemed equivalent to residence in the United Kingdom.

Form of oath of allegiance.

9. The oath in this Act referred to as the oath of allegiance shall be in the form following; that is to say,

"I do swear that I will be faithful and "and bear true allegiance to Her Majesty Queen Victoria, her "heirs and successors, according to law. So help me GOD."

National status of married women and infant children.

National status of married women and infant children.

10. The following enactments shall be made with respect to the national status of women and children:

(1.) A married woman shall be deemed to be a subject of the state of which her husband is for the time being a subject:

(2.) A widow being a natural-born British subject, who has become an alien by or in consequence of her marriage, shall be deemed to be a statutory alien, and may as such at any time during widowhood obtain a certificate of re-admission to British nationality in manner provided by this Act:

(3.) Where the father being a British subject, or the mother being a British subject and a widow, becomes an alien in pursuance of this Act, every child of such father or

A.D. 1870.

mother who during infancy has become resident in the country where the father or mother is naturalized, and has, according to the laws of such country, become naturalized therein, shall be deemed to be a subject of the state of which the father or mother has become a subject, and not a British subject:

(4.) Where the father, or the mother being a widow, has obtained a certificate of re-admission to British nationality, every child of such father or mother who during infancy has become resident in the British dominions with such father or mother, shall be deemed to have resumed the position of a British subject to all intents:

(5.) Where the father, or the mother being a widow, has obtained a certificate of naturalization in the United Kingdom, every child of such father or mother who during infancy has become resident with such father or mother in any part of the United Kingdom, shall be deemed to be a naturalized British subject.

Supplemental Provisions.

Regulations as to registration.

11. One of Her Majesty's Principal Secretaries of State may by regulation provide for the following matters:—

(1.) The form and registration of declarations of British nationality:

(2.) The form and registration of certificates of naturalization in the United Kingdom:

(3.) The form and registration of certificates of re-admission to British nationality:

(4.) The form and registration of declarations of alienage:

(5.) The registration by officers in the diplomatic or consular service of Her Majesty of the births and deaths of British subjects who may be born or die out of Her Majesty's dominions, and of the marriages of persons married at any of Her Majesty's embassies or legations:

(6.) The transmission to the United Kingdom for the purpose of registration or safe keeping, or of being produced as evidence of any declarations or certificates made in pursuance of this Act out of the United Kingdom, or of any copies of such declarations or certificates, also of copies of entries contained in any register kept out of the United Kingdom in pursuance of or for the purpose of carrying into effect the provisions of this Act:

(7.) With the consent of the Treasury the imposition and application of fees in respect of any registration authorized to be made by this Act, and in respect of the making any declaration or the grant of any certificate authorized to be made or granted by this Act.

The said Secretary of State, by a further regulation, may repeal, alter, or add to any regulation previously made by him in pursuance of this section.

Any regulation made by the said Secretary of State in pursuance of this section shall be deemed to be within the powers conferred by this Act, and shall be of the same force as if it had been enacted in this Act, but shall not so far as respects the imposition of fees be in force in any British possession, and shall not, so far as respects any other matter, be in force in any British possession in which any Act or ordinance to the contrary of or inconsistent with any such direction may for the time being be in force.

Regulations as to evidence.

12. The following regulations shall be made with respect to evidence under this Act:—

(1.) Any declaration authorized to be made under this Act may be proved in any legal proceeding by the production of the original declaration, or of any copy thereof certified to be a true copy by one of Her Majesty's Principal Secretaries of State, or by any person authorized by regulations of one of Her Majesty's Principal Secretaries of State to give certified copies of such declaration, and the production of such declaration or copy shall be evidence of the person therein named as declarant having made the same at the date in the said declaration mentioned:

(2.) A certificate of naturalization may be proved in any legal proceeding by the production of the original certificate, or of any copy thereof certified to be a true copy by one of Her Majesty's Principal Secretaries of State, or by any person authorized by regulations of one of Her Majesty's Principal Secretaries of State to give certified copies of such certificate:

(3.) A certificate of readmission to British nationality may be proved in any legal proceeding by the production of the original certificate, or of any copy thereof certified to be a true copy by one of Her Majesty's Principal Secretaries of State, or by any person authorized by regulations of one of Her Majesty's Principal Secretaries of State to give certified copies of such certificate:

A.D. 1870.

(4.) Entries in any register authorized to be made in pursuance of this Act shall be proved by such copies and certified in such manner as may be directed by one of Her Majesty's Principal Secretaries of State, and the copies of such entries shall be evidence of any matters by this Act or by any regulation of the said Secretary of State authorized to be inserted in the register :

(5.) The Documentary Evidence Act, 1868, shall apply to any regulation made by a Secretary of State, in pursuance of or for the purpose of carrying into effect any of the provisions of this Act.

Miscellaneous.

Saving of letters of denization.

13. Nothing in this Act contained shall affect the grant of letters of denization by Her Majesty.

Saving as to British ships.

14. Nothing in this Act contained shall qualify an alien to be the owner of a British ship.

Saving of allegiance prior to expatriation.

15. Where any British subject has in pursuance of this Act become an alien, he shall not thereby be discharged from any liability in respect of any acts done before the date of his so becoming an alien.

Power of colonies to legislate with respect to naturalization.

16. All laws, statutes, and ordinances which may be duly made by the legislature of any British possession for imparting to any person the privileges, or any of the privileges, of naturalization, to be enjoyed by such person within the limits of such possession, shall within such limits have the authority of law, but shall be subject to be confirmed or disallowed by Her Majesty in the same manner, and subject to the same rules in and subject to which Her Majesty has power to confirm or disallow any other laws, statutes, or ordinances in that possession.

Definitions.

17. In this Act, if not inconsistent with the context or subject-matter thereof,—

"Disability" shall mean the status of being an infant, lunatic, idiot, or married woman :

"British possession" shall mean any colony, plantation, island, territory, or settlement within Her Majesty's dominions, and not within the United Kingdom, and all territories and places under one legislature are deemed to be one British possession for the purposes of this Act :

"The Governor of any British possession" shall include any person exercising the chief authority in such possession :

"Officer in the Diplomatic Service of Her Majesty" shall mean any Ambassador, Minister or Chargé d'Affaires, or Secretary of Legation, or any person appointed by such Ambassador, Minister, Chargé d'Affaires, or Secretary of Legation to execute any duties imposed by this Act on an officer in the Diplomatic Service of Her Majesty:

"Officer in the Consular Service of Her Majesty" shall mean and include Consul-General, Consul, Vice-Consul, and Consular Agent, and any person for the time being discharging the duties of Consul-General, Consul, Vice-Consul, and Consular Agent.

Repeal of Acts mentioned in Schedule.

Repeal of Acts.

18. The several Acts set forth in the first and second parts of the schedule annexed hereto shall be wholly repealed, and the Acts set forth in the third part of the said schedule shall be repealed to the extent therein mentioned; provided that the repeal enacted in this Act shall not affect—

(1.) Any right acquired or thing done before the passing of this Act:

(2.) Any liability accruing before the passing of this Act:

(3.) Any penalty, forfeiture, or other punishment incurred or to be incurred in respect of any offence committed before the passing of this Act:

(4.) The institution of any investigation or legal proceeding or any other remedy for ascertaining or enforcing any such liability, penalty, forfeiture, or punishment as aforesaid.

SCHEDULE.

Note.—Reference is made to the repeal of the "whole Act" where portions have been repealed before, in order to preclude henceforth the necessity of looking back to previous Acts.

This Schedule, so far as respects Acts prior to the reign of George the Second, other than Acts of the Irish Parliament, refers to the edition prepared under the direction of the Record Commission, intituled "The Statutes of the Realm; "printed by Command of His Majesty King George the Third, in pursuance of "an Address of the House of Commons of Great Britain. From original "Records and authentic Manuscripts."

PART I.

Acts wholly repealed, other than Acts of the Irish Parliament.

Date.	Title.
7 Jas. 1. c. 2.	An Act that all such as are to be naturalized or restored in blood shall first receive the sacrament of the Lord's Supper, and the oath of allegiance, and the oath of supremacy.
11 Will. 3. c. 6. (*a*.)	An Act to enable His Majesty's natural-born subjects to inherit the estate of their ancestors, either lineal or collateral, notwithstanding their father or mother were aliens.
13 Geo. 2. c. 7.	An Act for naturalizing such foreign Protestants and others therein mentioned, as are settled or shall settle in any of His Majesty's colonies in America.
20 Geo. 2. c. 44.	An Act to extend the provisions of an Act made in the thirteenth year of His present Majesty's reign, intituled "An Act for naturalizing foreign Protestants "and others therein mentioned, as are settled or "shall settle in any of His Majesty's colonies in "America, to other foreign Protestants who con-"scientiously scruple the taking of an oath."
13 Geo. 3. c. 25.	An Act to explain two Acts of Parliament, one of the thirteenth year of the reign of His late Majesty, "for "naturalizing such foreign Protestants and others, "as are settled or shall settle in any of His Ma-"jesty's colonies in America," and the other of the second year of the reign of His present Majesty, "for "naturalizing such foreign Protestants as have "served or shall serve as officers or soldiers in His "Majesty's Royal American regiment, or as engi-"neers in America."

(*a*.) 11 & 12 Wm. 3. (Ruff.)

Date.	Title.
14 Geo. 3. c. 84.	An Act to prevent certain inconveniences that may happen by bills of naturalization.
16 Geo. 3. c. 52.	An Act to declare His Majesty's natural-born subjects inheritable to the estates of their ancestors, whether lineal or collateral, in that part of Great Britain called Scotland, notwithstanding their father or mother were aliens.
6 Geo. 4. c. 67.	An Act to alter and amend an Act passed in the seventh year of the reign of His Majesty King James the First, intituled "An Act that all such as are to be "naturalized or restored in blood shall first receive the "sacrament of the Lord's Supper and the oath of "allegiance and the oath of supremacy."
7 & 8 Vict. c. 66.	An Act to amend the laws relating to aliens.
10 & 11 Vict. c. 83.	An Act for the naturalization of aliens.

PART II.

Acts of the Irish Parliament wholly repealed.

Date.	Title.
14 & 15 Chas. 2. c. 13.	An Act for encouraging Protestant strangers and other to inhabit and plant in the kingdom of Ireland.
2 Anne, c. 14.	An Act for naturalizing of all Protestant strangers in this kingdom.
19 & 20 Geo. 3. c. 29.	An Act for naturalizing such foreign merchants, traders, artificers, artizans, manufacturers, workmen, seamen, farmers, and others as shall settle in this kingdom.
23 & 24 Geo. 3. c. 38.	An Act for extending the provisions of an Act passed in this kingdom in the nineteenth and twentieth years of His Majesty's reign, intituled "An Act for "naturalizing such foreign merchants, traders, "artificers, artizans, manufacturers, workmen, sea- "men, farmers, and others as shall settle in this "kingdom."
36 Geo. 3. c. 48.	An Act to explain and amend an Act, intituled "An "Act for naturalizing such foreign merchants, "traders, artificers, artizans, manufacturers, work- "men, seamen, farmers, and others who shall settle "in this kingdom."

PART III.

ACTS PARTIALLY REPEALED.

		Extent of repeal.
4 Geo. 1. c. 9. (Act of Irish Parliament.)	An Act for reviving, continuing, and amending several statutes made in this kingdom heretofore temporary.	So far as it makes perpetual the Act of 2 Anne, c. 14.
6 Geo. 4. c. 50.	An Act for consolidating and amending the laws relative to Jurors and Juries.	The whole of sect. 47.
3 & 4 Will. 4. c. 91.	An Act consolidating and amending the laws relating to Jurors and Juries in Ireland.	The whole of sect. 37.

A

B I L L

INTITULED

An Act to amend the Law relating to the legal condition of Aliens and British Subjects.

(Brought from the Lords 21 March 1870.)

Ordered, by The House of Commons, *to be Printed, 22 March* 1870.

[Bill 86.] *Under 2 oz.*

A

B I L L

FOR

Authorizing a guarantee of a loan to be raised by the Government of New Zealand for the construction of roads, bridges, and communications in that country, and for the introduction of settlers into that country. A.D. 1870.

WHEREAS the Government of New Zealand propose to raise by way of loan a sum not exceeding one million pounds for the purposes of the construction of roads, bridges, and communications in that country, and of the introduction of settlers into that country, and it is expedient to authorize the Commissioners of Her Majesty's Treasury, in this Act referred to as "the Treasury," to guarantee such loan:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the New Zealand (Roads, &c.) Loan Act, 1870. Short title.

2. The Treasury may guarantee, in such manner and form as they think fit, payment of the principal of all or any part of any loan not exceeding *one million pounds* raised by the Government of New Zealand for the purposes of the construction of roads, bridges, and communications in that country, and of the introduction of settlers into that country, and payment of the interest of any such loan at a rate not exceeding *four per cent.* Power of Treasury to guarantee loan.

3. The Treasury shall not give any guarantee under this Act, unless and until provision has been made, either before or after the passing of this Act, by an Act of the Legislature of New Zealand, or otherwise to the satisfaction of the Treasury,— Conditions of guarantee.

(1.) For raising the said loan, and appropriating the same to the purposes mentioned in this Act:

A.D. 1870.

(2.) For charging the Consolidated Revenue of New Zealand with the payment of the principal and interest of the said loan immediately after the charges on that fund existing at the time of the passing of this Act:

(3.) For payment by the Government of New Zealand of a sinking fund at the rate of *two per centum per annum* on the entire amount of the said loan, or so much as is raised for the time being, commencing at the date at which the whole of such loan is raised, or at the expiration of *ten years* from the passing of the Act (whichever date first happens), and for charging the Consolidated Revenue of New Zealand with the payment of such sinking fund immediately after the principal and interest of the said loan:

(4.) For charging the Consolidated Revenue of New Zealand with any sum issued out of the Consolidated Fund of the United Kingdom under this Act, with interest thereon at the rate of *five per centum per annum*, immediately after the sinking fund of the said loan:

(5.) For rendering to the Governor of New Zealand, for transmission to the Treasury, an annual abstract of the accounts of the expenditure of the money raised by means of the said loan under such heads as the Treasury from time to time desire:

(6.) For remitting to the Treasury the annual sums for the sinking fund by equal half-yearly payments, and for the investment and accumulation thereof under their direction in the names of four trustees nominated from time to time, two by the Treasury and two by the Government of New Zealand.

The Treasury shall not guarantee in any one year a larger sum than *two hundred thousand pounds*, and the Treasury, before guaranteeing any portion of the loan after the first, shall satisfy themselves that the portion of the loan already raised has been or is in the course of being spent for the purposes mentioned in this Act.

Application of sinking fund.

4. The said sinking fund may be invested in such securities as the Government of New Zealand and the Treasury from time to time agree upon, and shall, whether invested or not, be applied from time to time, under the direction of the Treasury, in discharging the principal of the said loan; and the interest arising from such securities (including the interest on any part of the

loan discharged by means of the sinking fund), and the resulting income thereof shall be invested and applied as part of such sinking fund.

Alteration of Act relating to guaranteed loan.

5. Every Act passed by the Legislature of New Zealand which in any way impairs the priority of the charge upon the Consolidated Revenue of New Zealand created by that Legislature of the said loan and the interest and sinking fund thereof, and the sums paid out of the Consolidated Fund of the United Kingdom and the interest thereon, shall, so far only as it impairs such priority, be void, unless such Act contain a suspending clause providing that such Act shall not come into operation until Her Majesty's pleasure thereon has been publicly signified in New Zealand.

Issue out of Consolidated Fund.

6. The Treasury are hereby authorized to cause to be issued from time to time, out of the growing produce of the Consolidated Fund of the United Kingdom, such sums of money as may at any time be required to be paid to fulfil the guarantee under this Act in respect either of principal or interest.

Certificate of amount paid out of Consolidated Fund.

7. The Treasury may, from time to time, certify to one of Her Majesty's Principal Secretaries of State the amount which has been paid out of the Consolidated Fund of the United Kingdom to fulfil the guarantee under this Act, and the date of such payment; such certificate shall be communicated to the Governor of New Zealand, and shall be conclusive evidence of the amount having been so paid and of the time when the same was so paid.

Accounts to be laid before Parliament.

8. The Treasury shall cause to be prepared and laid before both Houses of Parliament a statement of any guarantee given under this Act, and a copy of any accounts received by them respecting the expenditure of the said loan, and an account of all sums issued out of the Consolidated Fund of the United Kingdom for the purposes of this Act, within *one month* after the same are so given, received, or issued, if Parliament be then sitting, or if Parliament be not sitting, then within *fourteen days* after the then next meeting of Parliament.

# of Loan).

A

B I L L

For authorizing a guarantee of a loan to be raised by the Government of New Zealand for the construction of roads, bridges, and communications in that country, and for the introduction of settlers into that country.

(*Prepared and brought in by Mr. Dodson, Mr. Monsell, Mr. Chancellor of the Exchequer, and Mr. Stansfeld.*)

Ordered, by The House of Commons, *to be Printed,* 1 *July* 1870.

[Bill 190.]

Under 1 *oz.*

A

B I L L

TO

Declare the Hundred in which a Piece of Land in the County of Norfolk is situate, and to provide for the Assessment of the said Piece of Land to the County Rate.

A.D. 1870.

WHEREAS the greater part of the hamlet of South Town in the parish of Gorlston is situate in the county of Suffolk, but a portion of the said hamlet is situate in the county of Norfolk, and doubts have arisen whether the last-mentioned portion is included in any of the hundreds of the said county of Norfolk, and it is expedient to remove such doubts:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as "The Norfolk Boundary Act, 1870."

Annexation of part of hamlet of South Town to the hundred of East Flegg.

2. So much of the hamlet of South Town in the parish of Gorleston as is situate in the county of Norfolk shall be deemed for all purposes to be within and to be part of the hundred of East Flegg in the same county.

Assessment to county rate of land annexed to hundred of East Flegg.

3. The committee appointed in the county of Norfolk, in pursuance of the Act of the session of the fifteenth and sixteenth years of the reign of Her present Majesty, chapter eighty-one, "to consolidate and amend the statutes relating to the assessment and collection of county rates in England and Wales," for the purpose of preparing a basis or standard for county rate, may revise such basis or standard for the purpose of assessing that portion of the said hamlet of South Town which is in the county of Norfolk, in like manner as they may for the purpose of meeting any partial changes that may have occurred in the rateable value of a portion of the property liable to be assessed, and all the provisions of the said Act and any Act amending the same relating to such revision shall apply accordingly.

[Bill 217.]

A

B I L L

To declare the Hundred in which a Piece of Land in the County of Norfolk is situate, and to provide for the Assessment of the said Piece of Land to the County Rate.

(*Prepared and brought in by Mr. Secretary Bruce and Mr. Knatchbull-Hugessen.*)

Ordered, by The House of Commons, *to be Printed*, 13 *July* 1870.

[Bill 217.]

Under 1 *oz.*

A

B I L L

TO

Disfranchise certain Voters of the City of Norwich.

A.D. 1870.

WHEREAS the Commissioners appointed under a commission of Her Majesty, dated the twenty-third day of June one thousand eight hundred and sixty-nine, for the purpose of making inquiries into the existence of corrupt practices at the election of members to serve in Parliament for the city and borough of Norwich, held in the month of November one thousand eight hundred and sixty-eight, have by their report, dated the fifteenth day of February one thousand eight hundred and seventy, reported to Her Majesty that the several persons named in the schedule marked A. annexed to their report were guilty of bribery; that the several persons named in the schedule marked B. annexed to their report were bribed; and that the several persons named in the schedule marked C. annexed to their report were guilty of corruptly influencing voters by treating:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Disfranchisement of certain voters of the city of Norwich.

1. From and after the *passing of this Act* none of the persons so named in the said schedules, or any of them, shall at any time hereafter have the right of voting at any election of a member or members to serve in Parliament for the city and borough of Norwich.

Norwich Voters Disfranchisement.

A

BILL

To disfranchise certain Voters of the City of Norwich.

(*Prepared and brought in by Mr. Attorney General, Mr. Solicitor General, and Mr. Secretary Bruce.*)

Ordered, by The House of Commons, *to be Printed*, 8 *April* 1870.

[Bill 99.]

Under 1 *oz.*

LORDS AMENDMENT

TO THE

NORWICH VOTERS DISFRANCHISEMENT BILL.

Note.—*The Page and Line refer to the Bill* (88.) *as first printed by the Lords.*

Page 1.

Clause 2, line 23, leave out ("No") and insert ("Neither "Arthur Bignold, mentioned in Schedule A. annexed to the "said Report, nor any")

[Bill 165.]

LORDS AMENDMENT

TO THE

NORWICH VOTERS DISFRANCHISEMENT BILL.

Ordered, by The House of Commons, *to be Printed*,
16 *June* 1870.

[Bill 165.]

Under 1 *oz.*

A

B I L L

TO

Amend the Law relating to the taking of Oaths of Allegiance on Naturalization. A.D. 1870

WHEREAS it is expedient to amend the law relating to the taking of oaths of allegiance under the Naturalization Act, 1870: 33 & 34 Vict. c. 14.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Regulations as to oaths of allegiance.

1. The power of making regulations vested in one of Her Majesty's Principal Secretaries of State by the Naturalization Act, 1870, shall extend to prescribing as follows:

(1.) The persons by whom the oaths of allegiance may be administered under that Act:

(2.) Whether or not such oaths are to be subscribed as well as taken, and the form in which such taking and subscription are to be attested:

(3.) The registration of such oaths:

(4.) The persons by whom certified copies of such oaths may be given:

(5.) The transmission to the United Kingdom for the purpose of registration or safe keeping or of being produced as evidence of any oaths taken in pursuance of the said Act out of the United Kingdom, or of any copies of such oaths, also of copies of entries of such oaths contained in any register kept out of the United Kingdom in pursuance of this Act:

(6.) The proof in any legal proceeding of such oaths:

(7.) With the consent of the Treasury, the imposition and application of fees in respect of the administration or registration of any such oath.

[Bill 261.]

A.D. 1870.

The two last paragraphs in the eleventh section of the Naturalization Act, 1870, shall apply to regulations made under this Act.

Penalty on making false declaration.

2. Any person wilfully and corruptly making or subscribing any declaration under the Naturalization Act, 1870, knowing the same to be untrue in any material particular, shall be guilty of a misdemeanor, and be liable to imprisonment with or without hard labour for any term not exceeding *twelve months*.

Construction and short title of Act.

3. This Act shall be termed the Naturalization Oath Act, 1870, and shall be construed as one with the Naturalization Act, 1870, and may be cited together with that Act as the Naturalization Acts, 1870.

Oaths of Allegiance on Naturalization.

A

BILL

To amend the Law relating to the taking of Oaths of Allegiance on Naturalization.

(*Prepared and brought in by Mr. Attorney General, Mr. Secretary Bruce, and Mr. Solicitor General.*)

Ordered, by The House of Commons, *to be Printed,* 4 *August* 1870.

[Bill 261.]

Under 1 *oz.*

A

B I L L

TO

Confirm certain Orders made by the Board of Trade under The Sea Fisheries Act, 1868, relating to Boston Deeps and Emsworth. A.D. 1870.

WHEREAS an Order made by the Board of Trade under The Sea Fisheries Act, 1868, is not of any validity or force whatever until the confirmation thereof by Act of Parliament: 31 & 32 Vict. c. 45.

And whereas it is expedient that the several Orders made by the Board of Trade under the said Act, and set out in the schedule to this Act, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The several Orders set out in the schedule to this Act shall be and the same are hereby confirmed, and all the provisions thereof in manner and form as they are set out in the said schedule shall, from and after the passing of this Act, have full validity and force. Confirmation of Orders in schedule.

2. This Act may be cited as The Oyster and Mussel Fisheries Orders Confirmation Act, 1870, (No. 1.) Short title.

A.D. 1870.

The SCHEDULE of Orders.

Boston Deeps.—Regulation of Oyster and Mussel Fishery.

Emsworth.—Establishment and Maintenance of Several Oyster and Mussel Fishery.

Boston Deeps.

BOSTON DEEPS OYSTER AND MUSSEL FISHERY.

Order for the Regulation, by the Corporation of the Borough of Boston, of an Oyster and Mussel Fishery in Boston Deeps, being a portion of the Estuary called the Wash, in the County of Lincoln.

Undertakers.

1. The mayor, aldermen, and burgesses of the borough of Boston, acting by their council (in this Order called "the Corporation,") shall be the Undertakers of this Order.

Limits of fishery.

2. The following are the description and limits of the fishery comprised in this Order (as shown on plans deposited at the Board of Trade), namely:—All those parts of the foreshore and bed of Boston haven and estuary known as Boston Deeps, situate within the county of Lincoln, containing an area of 122 square miles or thereabouts, and bounded as follows, that is to say, to the west and north by the line of ordinary high-water mark from the point where the northern bank of Dawes Mere Creek intersects the old Roman bank, in the parish of Gedney, to a point on the western bank of the River Witham, opposite Hobhole sluice, thence by an imaginary line to Hobhole sluice, and thence by the line of ordinary high-water mark to the Coast Guard station at Skegness, such boundaries being within or adjacent to the several parishes of Gedney, Holbeach, Frampton, Wyberton, Fishtoft, Freiston, Butterwick, Benington, Leverton, Leake, Wrangle, Friskney, Wainfleet, and Skegness. To the east and south by an imaginary line drawn from the last-named point to the Outer Knock buoy, situated at the lower end of a sand known as the Outer Knock sand; thence by an imaginary line drawn across two sands known as the "Dog's Head Sand," and the "Long Sand," to the Roger buoy, situated at the south-west point of a sand called the "Roger Sand," and known as the "Roger Point;" thence by an imaginary line to the "Gat Buoy" situated to the south of a sand known as the "Gat Sand;" thence by an imaginary line drawn in a south-westerly direction along the north-western side of the Wisbeach channel, to the Bachelor's beacon, and thence along the northern side of Dawes Mere Creek (but not including the said creek), up to the old Roman bank, in the parish of Gedney, at the point of intersection first mentioned.

Dredging for oysters or mussels during the months of June, July, and August prohibited.

3. No person shall dredge or fish for or take oysters or mussels within the said fishery during the months of June, July, and August in any year.

A.D. 1870.

Boston Deeps.

4. The corporation may from time to time make byelaws for closing any portion or portions of the said fishery, so far as relates to the fishing for oysters or mussels for such periods as they may deem necessary, but subject to the conditions following :—

Powers to close portions of fishery.

(1.) No portion shall be closed for a longer continuous period than three years.

(2.) No greater extent in the whole than one-third of the oyster beds, and one-third of the mussel beds respectively, shall be closed at any one time, except that during the first three years after the passing of the Act confirming this Order one-half of the oyster beds, and one-half of the mussel beds respectively, may be closed.

(3.) One month's previous notice at least, of the portion or portions to be closed, shall be given by an advertisement in the London "Shipping and Mercantile Gazette," and in some local newspaper, and by affixing such notice on the Town Hall at Boston, and in some conspicuous place in or adjoining the portion or portions of the fishery proposed to be closed.

(4.) A certificate in writing, signed by a secretary or by an assistant secretary of the Board of Trade, stating whether any portion or portions is or are, or is not, or are not, or have been, or have not been duly closed under the provisions of this Order, shall be taken as conclusive evidence of the fact stated in such certificate.

Dredging within closed portions prohibited.

No person shall dredge, fish for, or take any oysters or mussels within the said fishery in contravention of any byelaw of the corporation, whereof notice has been given as aforesaid.

Power to make byelaws, with approval of Board of Trade.

5. The corporation, with the approval of the Board of Trade, may make byelaws and regulations for regulating the fishery generally, in terms not inconsistent with this Order. Such byelaws and regulations shall be revised from time to time, when and as required by the Board of Trade, and any byelaw or regulation not so revised may at any time be cancelled by the Board of Trade, and shall then cease to have effect.

Dredging boats to be licensed.

6. No person shall dredge, fish for, or take oysters or mussels within the said fishery in any boat not licensed in that behalf by the corporation. Licences in that behalf shall be granted by the corporation to any person applying for the same on his paying the tolls in this Order specified, and every such licence shall include both oyster fishing and mussel fishing.

Office for granting licences.

7. The office for granting licences shall be the office (for the time being) of the town clerk of the borough of Boston.

Tolls and fees payable on licences.

8. There shall be paid in respect of such licences, and before they are granted, the following tolls :—

For a licence to fish for one season (being nine months in any one year),

	s.	d.
For every ton the boat licensed is capable of carrying -	3	0
For a licence to fish for one month „ „ -	0	9
For a licence to fish for one week or a less period „ „ -	0	3

A.D. 1870.

BOSTON DEEPS.

Provided, that every licence for a smack shall include the use of one row boat, such row boat to be used when fishing only, by the regular crew of the smack.

There shall be a fee of *one shilling* paid upon the issuing of each licence.

Where a licence has been lost or accidentally destroyed, a new licence by way of substitution may be issued on the payment of a like fee of *one shilling*.

The person in charge of any boat (not being a row boat belonging to a smack) fishing within the limits of the fishery, shall, when required by any water bailiff, produce the licence of such boat, or else desist from fishing till the same is produced.

Taking of small mussels and oysters prohibited.

9. Save, as in this Order expressly provided, no person shall at any time remove from the said fishery, or from one portion of the fishing grounds to another, any mussels of less size than two inches in length, or any oysters which will pass through a circular ring of two and a half inches in diameter, measured on the inside of such ring.

Riddlings and refuse to be deposited at appointed places only.

10. All persons dredging, fishing for, or taking mussels within the said fishery, or bringing mussels within the said fishery, whether taken or dredged within the said fishery or not, shall deposit all riddlings and refuse arising from screening or preparing the mussels for market, either on such of the mussel beds, or at such place or places only, as the corporation may from time to time appoint.

Power reserved to remove brood of mussels and oysters.

11. For the purpose only of better cultivating the fishery, the corporation, or any person or persons duly authorized by them, or acting in pursuance of any regulation made by them under the preceding section, may remove any brood of mussels, and any spat or small-sized oysters, from one portion of the fishery to another, at such times as the corporation may direct.

Power to appoint water bailiff.

12. The corporation may from time to time appoint, suspend or remove, and again appoint, a water bailiff or bailiffs, to enforce the provisions of this Order, and the byelaws and regulations made under this Order, and generally to regulate the fishery. Every such water bailiff shall have and may exercise all the powers and authorities of a constable, for regulating and protecting the fishery, and shall also have the following powers; that is to say, he may enter any smack, fishing boat, or row boat within the limits of the fishery, he may examine the catches, nets, and fishing implements and gear of any such boat, he may seize oysters or mussels illegally taken within the limits of the fishery, and he may do all other lawful acts for giving effect to the provisions of this Order, and the byelaws and regulations made under this Order. Any person considered by a water bailiff to have offended against any of such provisions, byelaws, or regulations, shall, when required by such water bailiff, state correctly his christian name, surname, and place of abode. Any person refusing or omitting when required, to state correctly his name and place of abode, or wilfully continuing to offend after having been required by a water bailiff to desist, may be apprehended by any water bailiff, or any person acting by order of a water bailiff, and conveyed before a justice of the peace, to be dealt with according to law. Any person resisting, obstructing, or assaulting a water

bailiff in performance of his duty, may be apprehended and conveyed before a justice of the peace, and upon conviction, shall be liable to a penalty not exceeding ten pounds, in addition to any other penalty or punishment incident to his offence. No person apprehended under this section of this Order shall be detained in custody more than twenty-four hours without being brought before a justice, but at the expiration of that time, if not previously brought before a justice, shall, on correctly stating his name and place of abode, be discharged without prejudice to further proceedings by summons or warrant.

Tolls and fees to be applied in maintaining and improving the fishery, or in repayment of advances by the corporation.

13. The whole of the money received by the corporation from licences, tolls, fees, or otherwise, under this Order, shall be applied to the maintenance and improvement of the fishery, in accordance with these regulations, under the powers and provisions of The Sea Fisheries Act, 1868; or in repaying to the corporation such sums as they may expend in putting the fishery into a more profitable state.

Marking of limits.

14. The limits of the said fishery shall be marked out by the navigation buoys and sea marks described in Article 2 of this Order, or in such other manner as the Board of Trade may from time to time direct.

Marks, if obliterated, to be replaced.

15. In the event of the said marks being obliterated by storm or otherwise, they shall be replaced from time to time by the corporation.

Works not to be commenced without sanction of Board of Trade.

16. No buildings, erections, embankments, or other works, other than the marks mentioned in Article 14 of this Order, shall at any time be commenced or executed within the limits above described, without the previous sanction and approval in writing of the Board of Trade.

Undertakers to give accounts of expenditure and income and other information.

17. The corporation shall render annually to the Board of Trade, on the 31st of August in every year, accounts of their expenditure and income under this Order, and all other information required by the Board of Trade with reference to the subject of this Order, in such form as the Board of Trade may from time to time require, and shall allow the Board of Trade, or any person appointed by the Board of Trade, to inspect the fishery, and all books, accounts, and other documents in the possession of the corporation relative to the fishery, and shall give to such Board or person all such information relating thereto as they or he may require.

Power to grant several oyster and mussel fishery within the prescribed limits reserved.

18. The Board of Trade may at any time make a grant or grants of a several oyster and mussel fishery within the limits comprised within this order, and all the powers and provisions contained in this Order shall be subject to the power of the Board of Trade to make such grant, and to any alteration which may be consequent on such grant, or on any order made in pursuance of such grant.

Duration of Order.

19. This Order shall continue in operation for sixty years from its confirmation by Act of Parliament, and no longer

Power to Board of Trade to repeal or amend Order.

20. The Board of Trade may, under the thirty-ninth section of "The Sea Fisheries Act, 1868, from time to time, or at any time, make an order or orders repealing, amending, altering, or adding to, all or any of the provisions of this Order.

A.D. 1870.

Boston Deeps.

Power to revise tolls, with consent of Board of Trade.

21. The corporation, with the consent of the Board of Trade, may from time to time revise the tolls leviable under this Order, either by increasing or diminishing the amount thereof, or by varying the mode and times in and for which the same are levied or otherwise, provided that public notice of such revised tolls shall be given either by advertisement or otherwise, in such manner as the Board of Trade shall direct.

Saving rights under The Crown Lands Act, 1866.

22. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by The Crown Lands Act, 1866.

Short title.

23. This Order may be cited as The Boston Deeps Fishery Order, 1870.

Emsworth.

EMSWORTH OYSTER AND MUSSEL FISHERY.

Order for the Establishment and Maintenance by the Oyster Merchants' Company, Limited, of a Several Oyster and Mussel Fishery at Emsworth, in the Estuary of the Emsworth Channel, in the Counties of Sussex and Southampton.

Undertakers.

1. The Oyster Merchants' Company, Limited (in this Order called the company), shall be the undertakers of the fishery mentioned in this Order.

Limits of fishery.

2. The following are the company's fishery grounds under this Order (as shown on plans deposited at the Board of Trade, and marked "Emsworth Fishery Order, 1870,") namely, all those parts of the bed of the Emsworth channel lying below low-water mark at ordinary neap tides, being situate within the parishes of Hayling North, in the county of Southampton, and West Thorney, in the county of Sussex, or one of them, containing an area of 45 acres or thereabouts, and bounded as follows:—On the north by an imaginary line drawn from Wicor or Vicar Point due west to Swear Deep Torr, and on the south by another imaginary line drawn from the northern bank of Upper Markers Rythe, at the point where it debouches into the said Emsworth channel to the northern bank of Tibbs Rythe on the west side of the same channel.

Right of several fishery.

3. This Order confers on the company a right of several oyster and mussel fishery within the limits above mentioned.

Marking of limits.

4. The limits of the said several fishery shall be marked out by perpendicular booms or poles, placed on the line of low water of ordinary neap tides at intervals of not more than one hundred yards, or in such other manner as the Board of Trade may direct.

Notice to be given if marks obliterated.

5. In the event of the marks mentioned in the last foregoing article being obliterated by storm or otherwise, they shall be replaced by the company, and notice of the said limits may be given to fishermen, dredgermen, and other persons, as follows; that is to say:—

(1.) By notice boards or placards placed in conspicuous places at the entrances of Emsworth channel and Chichester harbour, at Emsworth, Havant, and Hayling Bridge.

(2.) By advertisements in one or more local newspapers, and in the London "Shipping and Mercantile Gazette."

Works not to be commenced without assent of Board of Trade.

6. No buildings, erections, embankments, or other works other than the marks mentioned in clause 4 of this Order, shall at any time be commenced or executed within the limits above described, without the previous sanction and approval in writing of the Board of Trade.

Undertakers to give accounts of capital, receipts, and expenditure, and of oysters and mussels sold.

7. The company shall render to the Board of Trade such accounts of their capital, expenditure, and income, and of all oysters and mussels sold by the company, in such form and at such times as the Board of Trade may require; and shall allow the Board of Trade, or any person appointed by the Board of Trade, to inspect the fishery and all books and documents in their possession relating thereto, and shall give to such Board or person all such information relating thereto, as they or he may require.

Duration of Order.

8. This Order shall continue in operation for sixty years from its confirmation by Act of Parliament, and no longer.

Saving rights under The Crown Lands Act, 1866.

9. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities or privileges, transferred to the management of the Board of Trade by The Crown Lands Act, 1866.

Short title.

10. This Order may be cited as The Emsworth Fishery Order, 1870.

Fisheries Supplemental.

A

BILL

To confirm certain Orders made by the Board of Trade under The Sea Fisheries Act, 1868, relating to Boston Deeps and Emsworth.

(*Prepared and brought in by Mr. Shaw Lefevre and Mr. John Bright.*)

Ordered, by The House of Commons, *to be Printed*, 17 *February* 1870.

[Bill 34.]

Under 1 *oz.*

A

B I L L

TO

Confirm certain Orders made by the Board of Trade under The Sea Fisheries Act, 1868, relating to the Frith of Forth. A.D. 1870.

WHEREAS an Order made by the Board of Trade, under The Sea Fisheries Act, 1868, is not of any validity or force whatever until the confirmation thereof by Act of Parliament: 31 & 32 Vict. c. 45.

And whereas it is expedient that the several Orders made by the Board of Trade under the said Act, and set out in the schedule to this Act, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The several Orders set out in the schedule to this Act shall be and the same are hereby confirmed, and all the provisions thereof, in manner and form as they are set out in the said schedule, shall, from and after *the passing of this Act*, have full validity and force. Confirmation of Orders in schedule.

2. This Act may be cited as The Oyster and Mussel Fisheries Orders Confirmation Act, 1870, (No. 2.) Short title.

A.D. 1870.

The SCHEDULE of Orders.

ABERDOUR (FIFE).—Establishment and maintenance of several mussel fishery in the Frith of Forth.

BUCCLEUCH.—Establishment and maintenance of several mussel fishery in the Frith of Forth.

MID-FORTH.—Establishment and maintenance of several oyster and mussel fishery in the Frith of Forth.

Aberdour (Fife).

ABERDOUR (FIFE) MUSSEL FISHERY.

Order for the Establishment and Maintenance by the Right Honourable Sholto John Watson Douglas, Earl of Morton, of a several or exclusive Mussel Fishery in the Frith of Forth in the County of Fife.

Undertakers.

1. The Right Honourable Sholto John Watson Douglas, Earl of Morton, and his heirs and successors in the estates of Aberdour in the county of Fife, (in this Order called the undertakers,) shall be the undertakers of the fishery mentioned in this Order.

Limits of fishery.

2. The following are the undertakers' fishery grounds under this Order (as shown on a plan deposited at the Board of Trade) namely; all those parts of the foreshore and bed of the Frith of Forth situated within the parishes of Aberdour and Burntisland in the county of Fife, and containing an area of four thousand four hundred and forty acres or thereabouts, and bounded as follows:—on the west, by an imaginary line drawn due south from the west top of the lands of Cuttlehill, called the Old Muir, and passing through the northernmost point of St. Colm's Abbey, in the Island of Inchcolm, until it intersects an imaginary straight line drawn due west from the Mickry Stone; on the south, by an imaginary straight line drawn due east from the point of intersection above mentioned to Mickry Stone, and thence by another imaginary straight line drawn from the Mickry Stone to the north-west point of the Island of Inchkeith, until it intersects the eastern boundary herein-after mentioned; on the east, by an imaginary line drawn due south from the west side of the harbour of Burntisland, until it intersects the southern boundary herein-before mentioned; and on the north, by the line of high water of ordinary spring tides on the shores of the Frith of Forth between the eastern and western boundaries herein-before mentioned.

Right of several fishery.

3. This Order confers on the undertakers a right of several or exclusive mussel fishery within the limits above mentioned.

Aberdour (Fife).

4. The limits of the said several fishery are marked on the said plan deposited at the Board of Trade, and shall be further marked or buoyed out in such manner as the Board of Trade may from time to time direct. Notice of the said limits may also be given to fishermen, dredgermen, and other persons, in such manner as the Board of Trade may direct.

Marking of limits, and notice thereof.

5. No buildings, erections, embankments, or other works shall at any time be commenced or executed within the limits above described without the previous sanction and approval in writing of the Board of Trade.

Works not to be commenced without assent of Board of Trade.

6. The undertakers shall render to the Board of Trade such accounts of their capital, expenditure, and income, and of all mussels sold by them, in such form and at such times as the Board of Trade may require, and shall allow the Board of Trade, or any person appointed by the Board of Trade, to inspect the fishery, and all books and documents in their possession relating thereto, and shall give to such Board or person all such information relating thereto as they or he may require.

Undertakers to give accounts of capital, receipts, and expenditure, and of mussels sold.

7. This Order shall continue in operation for sixty years from the date of its confirmation by Act of Parliament, and no longer.

Duration of Order.

8. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade, by "The Crown Lands Act, 1866."

Saving rights under "Crown Lands Act, 1866."

9. This Order may be cited as "The Aberdour (Fife) Fishery Order, 1870."

Short title.

BUCCLEUCH MUSSEL FISHERY.

Buccleuch.

Order for the Establishment and Maintenance, by his Grace Walter Francis Duke of Buccleuch and Queensberry, of a several or exclusive Mussel Fishery in the Frith of Forth in the County of Edinburgh.

1. His Grace Walter Francis Duke of Buccleuch and Queensberry, and his heirs and successors, shall be the undertakers of the fishery mentioned in this Order.

Undertakers.

2. The following are the fishery grounds under this Order, as shown on plans deposited with the Board of Trade; namely, those parts of the bed of the Frith of Forth lying in the parishes of Cramond and North Leith and county of Edinburgh, containing an area of five thousand four hundred and three imperial acres, or thereabouts, and bounded as follows; viz., on the north, by a straight line drawn due east and west through the Mickry Stone till it intersects the eastern and western boundaries herein-after mentioned; on the east, by a straight line drawn due north from the east end of the old village of Newhaven till it intersects the northern boundary herein-before mentioned; on the west, by a line drawn due north from the shore at Cramond, passing along the east side of Cramond Island, and projected northwards till it intersects the northern boundary herein-before mentioned; and on the south, by the line of

Limits of fishery.

A.D. 1870.

Buccleuch.

low water of ordinary spring tides on the shore of the Frith of Forth between the eastern and western boundaries above mentioned.

Right of several fishery.

3. This Order confers on the said Duke of Buccleuch and Queensberry, and his heirs and successors, a right of several mussel fishery within the limits above mentioned.

Marking of limits and notice thereof.

4. The limits of the said several fishery are marked on a plan deposited at the Board of Trade, and shall be further marked or buoyed out in such manner as the Board of Trade may from time to time direct. Notice of the said limits may also be given to fishermen, dredgermen, and other persons, in such manner as the Board of Trade may direct.

Certain works not to be commenced without assent of Board of Trade.

5. No buildings, erections, or other works shall at any time be commenced or executed within the limits above described without the previous sanction and approval in writing of the Board of Trade, excepting always such buildings and erections as may be made in connexion with Granton Harbour, belonging to the said Duke.

Undertakers to give accounts of capital, receipts, and expenditure, and of mussels sold.

6. The said Duke, and his heirs and successors, shall render to the Board of Trade such accounts of the capital, expenditure, and income connected with the said fishery, and of all mussels sold, in such form and at such times as the Board of Trade may require, and shall allow the Board of Trade, or any person appointed by the Board of Trade, to inspect the fishery, and all books and documents in their possession relating thereto, and shall give to such board or person all such information relating thereto as they or he may require.

Duration of Order.

7. This Order shall continue in operation for sixty years from its confirmation by Parliament.

Saving rights under "Crown Lands Act, 1866."

8. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866."

Short title.

9. This Order may be cited as "The Buccleuch Fishery Order, 1870."

Mid-Forth.

MID-FORTH OYSTER AND MUSSEL FISHERY.

Order for the Establishment and Maintenance by John Anderson, of No. 106, George Street, Edinburgh, Merchant, of a several or exclusive Oyster and Mussel Fishery in the Frith of Forth in the County of Fife.

Undertakers.

1. John Anderson of No. 106, George Street, Edinburgh, Merchant, his heirs and assignees, shall be the undertakers of the fishery mentioned in this Order.

Limits of fishery.

2. The following are the undertakers' fishery grounds under this Order (as shown on a plan deposited at the Board of Trade); namely, all those parts of the bed of the Frith of Forth situate in the county of Fife, containing an area of 414 acres or thereabouts, and bounded as follows:—On the west, by an

A.D. 1870.

Mid-Forth.

imaginary line drawn due south from a point one nautical mile due south of the west pier of Burtisland until it intersects an imaginary line drawn from the Mickry Stone to the north-west point of the Island of Inchkeith; on the south, by that portion of the imaginary line last mentioned which lies between the last-named point of intersection and the point where it intersects another imaginary line drawn from Burntisland Harbour Pier Light to Newhaven Pier Light; on the east, by that portion of the imaginary line last mentioned which lies between the last-named point of intersection and the point where it intersects an imaginary line drawn due east from a point one nautical mile due south of the west pier of Burntisland; and on the north, by the last-named imaginary line between the points of intersection.

These fishery grounds are delineated on the said plan deposited at the Board of Trade endorsed "Mid-Forth Fishery Order, 1870," and are marked thereon by the letters A. C. D. B.

Right of several fishery.

3. This Order confers on the said John Anderson, and his heirs and assignees, a right of several Oyster and Mussel Fishery within the limits above mentioned.

Marking of limits, and notice thereof.

4. The limits of the said several fishery are marked on the said plan deposited at the Board of Trade, and shall be further marked or buoyed out, in such manner as the Board of Trade may from time to time direct. Notice of the said limits may also be given to fishermen, dredgermen, and other persons, in such manner as the Board of Trade may direct.

Works not to be commenced without assent of Board of Trade.

5. No buildings, erections, embankments, or other works, shall at any time be commenced or executed within the limits above described, without the previous sanction and approval in writing of the Board of Trade.

Undertakers to give accounts of capital, receipts, and expenditure, and of oysters and mussels sold.

6. The undertakers shall render to the Board of Trade such accounts of their capital, expenditure, and income, and of all oysters and mussels sold by them, in such form and at such times as the Board of Trade may require, and shall allow the Board of Trade, or any person appointed by the Board of Trade, to inspect the fishery, and all books and documents in their possession relating thereto, and shall give to such Board or person all such information relating thereto as they or he may require.

Duration of Order.

7. This Order shall continue in operation for sixty years from its confirmation by Act of Parliament, and no longer.

Saving rights under "Crown Lands Act, 1866."

8. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866."

Short title.

9. This Order may be cited as "The Mid-Forth Fishery Order, 1870."

Oyster and Mussel Fisheries Supplemental (No. 2.)

A

B I L L

To confirm certain Orders made by the Board of Trade under The Sea Fisheries Act, 1868, relating to the Frith of Forth.

(*Prepared and brought in by Mr. Shaw Lefevre and Mr. Stansfeld.*)

Ordered, by The House of Commons, *to be Printed*, 11 *April* 1870.

[Bill 100.]

Under 1 *oz.*

Parish Churches Bill.

ARRANGEMENT OF CLAUSES.

Clause.

Preamble.

1. Short title.
2. Interpretation.
3. Churches to be for the equal use of all parishioners.
4. No future faculty to be granted.
5. Ordinaries and churchwardens not to allot, assign, or appropriate, but to provide equal accommodation for all parishioners, and to preserve order.
6. Ecclesiastical Commissioners to accept sites for free and unappropriated churches.
7. Saving the letting of seats under certain Acts.
8. Saving chancels for the conduct of divine worship, titles by faculty or prescription, and private aisles, chapels, or chantries.

A

B I L L

TO

Declare and enact the Law as to the Rights of Parishioners in respect of their Parish Churches; and for other purposes relating thereto. A.D. 1870.

WHEREAS according to the ancient law the entire area of every parish church in England and Wales is intended for the free use of all parishioners of the parish to which such church belongs:

And whereas for many years past the said ancient law has been misinterpreted or disregarded in many parishes and places by a system of appropriation of seats and pews to the injury of the majority in number, and especially of the poorer classes of the parishioners, and to the great hindrance of religion, and it is expedient that such ancient law should be declared and enacted, with a view to its future observance:

Be it therefore declared and enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as the "Parish Churches Act."

Interpretation.

2. In the construction of this Act the word "parish" shall mean as well a mother or ancient parish, as also any parish not being the mother or ancient parish, and also any legally constituted separate ecclesiastical district; and the words "parish church" and "parishioners" shall respectively mean the consecrated places of worship of, and the persons residing within the parish as defined by this section. The word "seat" shall include "pew."

Churches to be for the equal use of all parishioners.

3. The entire area of every parish church in England and Wales, inclusive of the galleries, if any, in every such church, is hereby declared to be and shall be for the free and equal use of all the

A.D. 1870.

parishioners of the parish to which such church belongs, without regard being had to the degrees or qualities of the parishioners respectively.

No future faculty to be granted.

4. From and after the *passing of this Act* it shall not be lawful for any archbishop or bishop, or other corporation or person whomsoever, to issue any faculty granting or confirming, or purporting to grant or confirm, any seat in any parish church to or in favour of any person or persons whomsoever, and any such faculty (if issued) shall be void.

Ordinaries and churchwardens not to allot, assign, or appropriate, but to provide equal accommodation for all parishioners, and preserve order.

5. It shall not be lawful for any bishop or other ordinary, or for any churchwarden or other person acting under any bishop or other ordinary, to allot, assign, or appropriate any seats in such parish churches; provided that it shall be the duty of all bishops or other ordinaries having authority in the matter, and of all churchwardens or other persons acting under such bishops or other ordinaries, to see that all the parishioners may equally and without regard to their respective degrees or qualities enjoy the use of their parish churches, and so from time to time to direct and order the occupation of seats by parishioners and others assembling for worship that due order and decorum may be observed.

Ecclesiastical Commissioners to accept sites for free and unappropriated churches.

6. The Ecclesiastical Commissioners for England and Wales may and (if desired by the grantor of a church site or a majority of the managing committee of persons subscribing to the purchase of a church site or to the erection of any new church) shall accept a site for such church (whether intended to be built under or regulated by "The Church Building Acts," or any of them, or any other Act or Acts of Parliament, or otherwise howsoever,) with a condition inserted in the conveyance of such site to the effect that all the seats in the church intended to be built thereupon shall be and for ever remain for the equal use of all parishioners, without respect of persons, and free from pew or seat rent; and the seats in the church built upon any such site shall accordingly be and for ever remain subject to the law as declared and enacted by the third, fourth, and fifth sections of this Act, and free from pew or seat rent, any clause, matter, or thing in the Acts of Parliament known as "The Church Building Acts," or any of them, or in any other Act or Acts of Parliament to the contrary notwithstanding.

Saving the letting of seats under certain Acts.

7. Provided always, that, save as aforesaid, nothing in this Act contained shall prevent the letting of seats, so far as the same is expressly authorised by "The Church Building Acts," or any of them, or any other existing Acts of Parliament.

A.D. 1870.

Saving chancels for the conduct of divine worship, titles by faculty or prescription, and private aisles, chapels, or chantries.

8. Provided always, that nothing contained in this Act shall prevent the chancel of any church from being used by the officiating ministers and others assisting in the conduct of divine worship, nor shall affect any rights to private aisles, chapels, or chantries which from time immemorial or from their foundation have not been used by the parishioners as part of any church, and have been maintained and kept in repair by the owners thereof.

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BILL

To declare and enact the Law as to the Rights of Parishioners in respect of their Parish Churches; and for other purposes relating thereto.

(*Prepared and brought in by Mr. West, Sir Percy Herbert, and Mr. Thomas Hughes.*)

Ordered, by The House of Commons, *to be Printed*, 8 *August* 1870.

[Bill 263.]

Under 1 *oz.*

A

B I L L

TO

Define and enlarge the rights and powers of Parishioners with respect to the conduct of Divine Worship in their Parish Churches, and to provide for the Constitution of Parochial Councils in all parishes in England and Wales. A.D. 1870.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Short title.

1. This Act may be cited as "The Parishioners Rights Act."

Interpretation of terms.

2. In this Act "parish" includes every new parish and every district with legally constituted limits, over which the incumbent of the church thereof has exclusive cure of souls. "Incumbent" includes rector, vicar, and perpetual curate, and any curate in charge where the rector or vicar shall be non-resident.

Election of sidesmen and formation of council.

3. There shall be elected annually in every parish of England and Wales lay members of the Church of England to be sidesmen of such parish, and such sidesmen shall, together with the churchwardens of the parish and the incumbent of the church, form a Parochial Council to regulate, as herein-after directed, the concerns of the church of the parish.

Mode of election.

4. The number of sidesmen and the mode of electing them shall be as follows:—

(1.) In parishes having a population of two thousand persons and under, the sidesmen shall be four in number; in parishes having a population exceeding two thousand, and below five thousand, the sidesmen shall be eight in number, and in parishes having a population of five thousand persons and upwards the sidesmen shall be twelve in number:

[Bill 187.]

A.D. 1870.

(2.) They shall be elected at the usual period and in the same manner as churchwardens are elected, and shall be chosen by such of the inhabitants of the parish as are entitled to vote at the election of churchwardens for the parish.

Duration of office.

5. They shall hold office for *one year*, and upon going out of office shall be re-eligible.

Declaration of sidesman.

6. Every sidesman shall, within *fourteen days* after his election, sign a declaration that he is a member of the Church of England, and desires during the ensuing year to attend the services of the church of the parish for which he has been elected, and in default thereof his election shall be void.

Provision in case of vacancy.

7. In the event of an insufficient number of sidesmen being elected, or of any of those elected refusing or not qualifying themselves to serve, those who are elected shall, together with the churchwardens, forthwith proceed to elect a duly qualified person to fill such vacancy, any difference of opinion to be decided by a majority of votes.

Chairman and quorum of council.

8. At all meetings of the council the incumbent of the parish shall, if present, be the chairman of the council, and if not present, some one of the members chosen by the meeting shall be chairman; the quorum to be fixed by the council shall not consist of less than four, and every question shall be decided by a majority of votes of the members present and voting on that question, and in case of an equality of votes the chairman for the time being shall have a second or casting vote.

Meetings of council.

9. The council shall meet at least twice in each year, and at such times as the council may fix; the council may be summoned at other times with a week's notice in writing to each member, either by the bishop of the diocese, by the incumbent, or by either of the churchwardens, or by two sidesmen.

Power of council to make changes in conduct of services, &c.

10. The council shall have the power of allowing or making changes within the limits authorised by law, in the accustomed manner and times of conducting the services and ministrations of the church, in the ornaments or decorations of the church, or in the ornaments of the minister, or in the furniture or fittings of the church.

No change to be made without sanction of council.

11. After the passing of this Act no change shall be made without the sanction of the council in the existing manner or times of conducting the services and ministrations of the church, or in the ornaments or decorations of the church, or of the minister, or in the

furniture or fittings of the church: Provided such matters or things have not been or shall not be declared to be contrary to law. A.D. 1870.

Notice of changes.

12. Before any changes sanctioned or proposed by council shall be carried into effect *twenty-one days* notice thereof shall be given to the bishop of the diocese, and a like notice shall, at the same time, be affixed to the church doors, and shall remain so affixed until the proposed changes shall be carried into effect.

Objection of parishioners and appeal to bishop.

13. Any two or more parishioners may represent to the council their objection to any proposed change, and the council shall forthwith meet to hear and consider such objection before carrying such change into effect. If the council refuse to entertain such objection, or if the parishioners are aggrieved with the decision of the council thereon, they may appeal to the bishop, who shall give his decision in writing within one month; and until the appeal has been decided the change shall not be made.

Decision of bishop.

14. If the incumbent disapproves of any matter proposed by the council, it shall be referred to the bishop, whose decision thereupon shall be final.

No change if the bishop objects.

15. No change shall be made if the bishop shall object thereto, except in the case of a change in regard to which the council has been unanimous for two consecutive years.

Council to be a corporate body.

16. Every parochial council under this Act shall have the like power of accepting and holding contributions as the trustees mentioned in the ninth section of the 31 & 32 Vict. c. 109. possess under such Act, and for such purpose shall be a body corporate by the name of the parochial council of the parish to which they belong, having perpetual succession and a common seal, with power to sue and be sued in their corporate name; and with respect to contributions received under this Act, shall be subject to the like obligations as to the investment, application, and rendering accounts thereof, as the trustees under the before-mentioned Act are subject with respect to contributions received by them.

Matters in dispute to be heard in camerâ by the ordinary.

17. All matters in dispute arising under this Act between the incumbent and other members of the council, or between the council and other parishioners, shall be heard and decided by the ordinary in camerâ and not by the court of the diocese; and the ordinary shall give his decision in writing to both parties.

Application of Act.

18. This Act shall not apply to cathedral or collegiate churches, notwithstanding the same may be parish churches.

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BILL

To define and enlarge the rights and powers of Parishioners with respect to the conduct of Divine Worship in their Parish Churches, and to provide for the Constitution of Parochial Councils in all Parishes in England and Wales.

(*Prepared and brought in by Viscount Sandon and Mr. Cowper-Temple.*)

Ordered, by The House of Commons, *to be Printed,* 29 *June* 1870.

[Bill 187.]

Under 1 *oz.*

Parliamentary Elections Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

Preliminary.

1. Short title.

PART I.

Election.

2. Regulations as to election of members.

Mode of taking the Poll.

3. Regulations as to polling.
4. Regulations as to personated votes.
5. Regulations as to spoiled ballot papers.

Supplemental Provisions.

6. Supplemental provisions as to nomination.
7. Mode of returning names of members.
8. Supplemental provisions as to polling.
9. Regulations as to officers.
10. Attendance at polling station.
11. Publication of names of persons who have voted.
12. Decision of returning officer as to validity of votes.
13. Advertisements by returning officer.
14. Identity of ballot papers.
15. Regulations as to custody of ballot papers, &c.
16. Power of Secretary of State to make rules.

Election Offences.

17. Offences with respect to voting.
18. Infringement of secrecy.
19. Forgery and miscellaneous offences as to ballot papers.

Clauses.

20. Destroying ballots or ballot boxes.
21. Disqualification of returning officers.

Saving Clauses.

22. Writs, &c. to be made conformable to this Act.
23. This Act, as far as consistent, to be construed with enactments now in force.
24. Laws respecting elections to remain in force.
25. Act not to apply to universities.

Forms in Schedule.

26. Provision as to forms in schedule.

Definitions.

27. Interpretation of terms.

PART II.

Amendment of Corrupt Practices Prevention Acts.

28. Payments not included in return to returning officer held to be corrupt payments.
29. Prohibition of public houses as committee rooms.
30. Construction of Act.

SCHEDULE.

A

B I L L

TO

Amend the law relating to procedure at Parliamentary Elections, and for other purposes. A.D. 1870.

WHEREAS it is expedient to amend the law relating to procedure at parliamentary elections:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited for all purposes as "The Ballot Act, 1870." Short title.

Part I.

Election.

2. From and after the *passing of this Act*, the following regulations shall be enacted with respect to the nomination and election of members to serve in Parliament for any county or borough:— Regulations as to election of members.

(1.) The returning officer shall give notice in manner heretofore in use of the time and place at which he will proceed to election of a member or members for the county or borough of which he is returning officer:

(2.) The time appointed for the election shall be a period of two hours, between the hours of one and five in the afternoon of some day on which the returning officer is authorized by the existing law to fix the election of members:

(3.) The place appointed for the election shall be some convenient room situate, in the case of a county election, in the town in which courts for the election of members are held under the existing law, and in the case of a borough election in the borough:

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(4.) The returning officer shall be present at the time and place appointed during such period of two hours:

(5.) At the time and place appointed for the election, any person may be nominated as a candidate by delivery to the returning officer of a nomination paper, stating the name and address of the candidate nominated, and subscribed by two electors of the county or borough for which he is a candidate as his proposer and seconder, and by eight other electors of such county or borough as assenting to the nomination of the candidate:

(6.) The nomination paper shall be delivered by the candidate nominated therein, or by his proposer or seconder:

(7.) The ten subscribing electors to each nomination paper, and the candidate therein nominated, accompanied by any person whom he may select, and no other person, except with the express sanction of the returning officer, shall be entitled to attend the proceedings at an election under this section:

(8.) A candidate, if present, may, after the delivery of his nomination paper, withdraw from his candidature, by giving notice in writing under his hand to the returning officer of such withdrawal before the close of the period of two hours appointed as aforesaid:

(9.) In the absence of the candidate, either the proposer or seconder may withdraw the candidate by writing under his hand, so that the other, if present, give his consent in writing under his hand; but if both the proposer and seconder are present, and they disagree as to the withdrawal of the candidate, and the candidate be absent, the nomination paper shall stand, and the person therein named shall be deemed to continue a candidate:

(10.) If no more candidates are nominated within the said period of two hours than there are vacancies to be filled, the returning officer shall, as soon as may be after the expiration of that period, declare the candidates nominated to be elected, and give public notice thereof by advertisement:

(11.) The returning officer shall also, as soon as may be, return the name or names of the member or members elected to the clerk of the crown in chancery.

(12.) If at the expiration of the said period of two hours more persons remain as candidates than there are vacancies to be filled up, the returning officer shall adjourn the election until a poll has been taken; he shall also appoint a day for

the poll, and shall give public notice thereof by advertisement: A.D. 1870.

(13.) The poll shall take place on such day, not being more than clear days after the day fixed for the election, as the returning officer may deem sufficient to enable him to make preparations for such poll.

Mode of taking the Poll.

3. The following regulations shall be made with respect to the mode of taking the poll at contested elections: Regulations as to polling.

(1.) The returning officer of every county or borough shall on the occasion of every contested election provide a sufficient number of ballot papers for the use of the voters at such election:

(2.) Each ballot paper shall have a number or letter or other distinguishing mark printed on the back thereof, and have attached thereto a counterfoil, with the same number or letter or other distinguishing mark printed on its face:

(3.) The ballot paper shall contain the names and addresses of all the candidates, and shall have printed opposite each name the figure of a square:

(4.) The ballot papers shall be bound up in books or otherwise arranged in such manner as to be conveniently issued to the voters:

(5.) The returning officer shall in all cases of a contested election provide in each polling place such number of polling stations as he thinks sufficient for taking the votes of the electors, he shall appoint a deputy returning officer to each polling station, and it shall not be lawful for the returning officer himself to attend at any polling station:

(6.) The deputy returning officer appointed to each polling station shall preside thereat, and he is in this Act referred to as the presiding officer:

(7.) The returning officer shall provide for every polling station a secret compartment, or two or more secret compartments, constructed in such a manner that a voter in any of these said compartments is screened from the observation of everybody else who may be in or near the polling station:

(8.) The returning officer shall further provide a ballot box for each polling station, constructed in such manner that the ballot papers can be introduced therein but cannot be withdrawn therefrom without the box being unlocked:

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(9.) Previously to the commencement of the polling at any station, the presiding officer shall exhibit the ballot box empty, to the agents of the candidates or such of them as may be present, and shall then lock it up, and place it within his view in a convenient position for the receipt of the ballot papers:

(10.) Every voter, on application to the presiding officer, shall receive a ballot paper, and the presiding officer shall in the presence of the agents of the candidates (if any) enter on the counterfoil of the ballot paper the number of the voter on the register; and shall enter on the copy of the register with which he is supplied a cross or other mark denoting that the voter has received the ballot paper, but not showing the particular ballot paper which he has received.

(11.) The voter shall proceed into the secret compartment, and shall there place a cross in the figure of a square printed opposite the name of the candidate or each candidate for whom he votes:

(12.) The voter, having thus marked on the ballot paper the candidate or candidates for whom he votes, shall fold up the ballot paper, so as to show the number, letter, or other distinguishing mark printed on its back, and leaving the secret compartment shall exhibit to the presiding officer such number, letter, or other distinguishing mark, and then, in the presence of the presiding officer, put the ballot paper into the ballot box:

(13.) Every voter, as soon as he has put his ballot paper into the ballot box, shall forthwith quit the polling station:

(14.) At the close of the poll the presiding officer shall, in the presence of the agents of the candidates or such of them as may be present, seal up the counterfoils of the ballot papers, and send them by the earliest practicable post to the clerk of the crown in chancery:

(15.) When the counterfoils are sealed up, the presiding officer shall, in the presence of the agents of the candidates, or such of them as may be present, open the ballot box, collect the ballot papers, and unfolding them, without looking at their faces, place each ballot paper with its back upwards, and seal up the ballot papers so placed. He shall also enclose the unused ballot papers in another sealed packet, and transmit to the returning officer, (in the same manner, as nearly as may be, in which poll books are, according to the existing law, required to be

transmitted to the returning officer,) the packets containing the used ballot papers, and the unused ballot papers:

(16.) The packets containing the counterfoils, the used ballot papers, and the unused ballot papers shall be endorsed by the presiding officer with a statement showing the contents of each packet:

(17.) The presiding officer shall permit the agents (if any are present) of the candidates, or any of them who may be desirous of doing so, to affix their seals to the packets of counterfoils, used ballot papers, and unused ballot papers, or any of such packets:

(18.) Any ballot paper on which a cross is put opposite to the names of more candidates than the voter is entitled to vote for, and any ballot paper having anything written thereon other than the mark or marks made by the voter, shall be void, and shall not be counted:

(19.) The returning officer shall, as soon as may be after the close of the poll, at a time and place to be previously specified by him, open every packet containing used ballot papers, in the presence of the agents of the candidates, or any of them who may be present, and placing the ballot papers with their faces upwards in such a manner that he cannot, nor can the agents, see the numbers printed on their backs, shall ascertain the number of votes given for each candidate:

(20.) The returning officer shall, as soon as he has ascertained the number of votes given for each candidate in each packet of ballot papers, again seal up the ballot papers in the presence of the agents of the candidates or any of them who may be present:

(21.) The returning officer, when he has examined all the packets of used ballot papers in manner aforesaid, shall give public notice by advertisement of the member or members elected, and of the number of votes given for each candidate, whether elected or not; he shall also, as soon as may be, return the name or names of the member or members elected to the clerk of the crown in Chancery:

(22.) The packets of used ballot papers and unused ballot papers shall be delivered or transmitted to the clerk of the Crown, in the same manner, as nearly as may be, in which poll books are, according to the existing law, required to be delivered or transmitted to the clerk of the crown, and shall be kept by him as if they were

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poll books; and all the provisions of the Acts in force relating to the delivery or transmission of poll books to the clerk of the crown, and to the custody thereof by the clerk of the crown, shall apply accordingly.

Regulations as to personated votes.

4. If at any contested election the presiding officer has delivered a ballot paper to any person claiming to be an elector, numbered with a particular number on the register, and after such delivery some other person claiming to be the person bearing the same number on the register applies for a ballot paper, the presiding officer shall, after putting to the applicant the questions, and administering the oath authorized to be put and administered to voters under the existing law, deliver to the applicant a ballot paper, and the applicant shall be entitled to vote in the same manner in all respects as any other voter, with this exception, that his ballot paper shall not be deposited in the ballot box, but shall be delivered to the presiding officer, and set aside by him in a separate packet.

All ballot papers set aside by the presiding officer in pursuance of this section, and which papers are herein-after referred to as duplicate ballot papers, shall be sealed up by the presiding officer and forwarded to the returning officer. The returning officer shall not reckon the votes given by such duplicate ballot papers, but shall forward the same in a separate sealed packet together with the other ballot papers to the clerk of the crown in chancery.

Regulations as to spoiled ballot papers.

5. The presiding officer, on the application of any voter to whom he has delivered a ballot paper, and on delivery to him of the ballot paper so given, and on proof to his satisfaction that the voter has made a mistake in recording his vote on such paper, or has otherwise inadvertently dealt with the same in such manner that it cannot conveniently be used as a ballot paper, may deliver to the voter another ballot paper. The presiding officer shall retain the ballot papers so delivered to him, and herein-after referred to as spoiled ballot papers, and shall at the close of the poll forward the same in a separate packet endorsed "spoiled ballot papers" to the returning officer, who shall deal with the same in manner in which he deals with the duplicate ballot papers.

Supplemental Provisions.

Supplemental provisions as to nomination.

6. The following enactments shall take effect in relation to the nomination of members:

(1.) Where, according to the existing custom, the place appointed for holding courts for the election of members for a county is not situated in a town, the returning officer may, with

the consent of one of Her Majesty's Principal Secretaries of State, appoint as the place in which to hold the election such town in the county as he thinks most convenient to the electors:

(2.) If any nomination paper appears to the returning officer to be invalid by reason of its not being duly subscribed, he may allow the same to be amended within the appointed period of two hours:

(3.) The returning officer may, within the said period of two hours, amend any mistake in the description of a candidate, or any formal error in a nomination paper:

(4.) A candidate may withdraw between the day on which the nomination took place and the day fixed for the polling, by service on the returning officer of a written notice signed by the candidate himself, or by his proposer and seconder, but such withdrawal shall not affect the liability to contribute to the payment of the expenses of the election:

(5.) Notice of the withdrawal of a candidate shall be put up by the returning officer in a conspicuous place at every polling station, and any votes given for a candidate so withdrawn shall be deemed to be thrown away:

(6.) If upon the withdrawal of any candidate or candidates between the day on which the nomination took place and the day fixed for the polling, the candidates remaining are not more than sufficient to fill the vacancies, no poll shall take place, and the returning officer shall give public notice by advertisement, and make a return of the names of the candidates so elected to the clerk of the crown in Chancery.

(7.) The expenses properly incurred by the returning officer in or about any contested election shall be divided into a number of parts proportioned to the number of the candidates at such election, and the ten electors who subscribed the nomination paper of each candidate shall be jointly and severally liable to pay one such part, but it shall be lawful for the candidate nominated by such electors to pay such part in their stead, or, if they have paid such part or any part thereof, to repay to them, or any of them, any sum disbursed for that purpose:

Mode of returning names of members.

7. No indenture shall be used in making a return to the clerk of the crown in Chancery of the names of members elected, and such return shall be made by a certificate under the hand

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of the returning officer, endorsed on the writ of election sent to him, stating the name or names of the member or members returned; and any such certificate shall have the same effect, and the return so made may be dealt with in the same manner as under the existing law, the indenture containing the name or names of the member or members returned is dealt with.

Supplemental provisions as to polling.

8. A separate room or separate booth may constitute a separate polling station, or, if it is more convenient, several separate polling stations may be constructed in the same room or booth. Every presiding officer shall give a receipt to the returning officer acknowledging the number of ballot papers entrusted to his charge, and shall at the close of the poll render an account to the returning officer of what has been done with the papers so received, distributing the papers so received under the heads of "used ballot papers," "spoiled ballot papers," "duplicate ballot papers," and "unused ballot papers."

The returning officer may open the packets of spoiled ballot papers, duplicate ballot papers, and unused ballot papers, for the purpose of verifying such accounts; but he shall seal up the packets again in which such papers are contained, or enclose the same in fresh sealed packets, and send them to the clerk of the crown in Chancery.

The presiding officer may, on the application of any person who is blind, unable to read, or otherwise incapacitated from voting in manner required by this Act, secretly mark his ballot paper in favour of the candidates directed by the voter, and may thereupon fold up the ballot paper, and place it in the ballot box.

Regulations as to officers.

9. The following regulations shall be made as to officers at an election:

(1.) The returning officer may be assisted at the nomination by such number of deputy returning officers as he thinks expedient; he may also call to his assistance in ascertaining and recording the result of the ballot such clerks as he requires, so that such clerks have not otherwise been employed in or about the election, and so that he does not delegate to any such clerks the determination of any question arising in respect of the effect of any ballot paper:

(2.) In the event of the election being contested, the returning officer shall appoint to each polling station a deputy returning officer as presiding officer, he may also appoint one clerk to assist such deputy returning officer:

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(3.) In such event as aforesaid, every candidate may appoint an agent at each polling station, also an agent to attend the returning officer on the occasion of his acertaining the number of votes given for each candidate; but the agent appointed to attend the returning officer as aforesaid shall not in any case be the same as the agent appointed at any polling station:

(4.) The agent appointed at each polling station shall be empowered by the returning officer to administer oaths to voters, and shall also act as an agent against personation, and otherwise as an agent of the candidate.

(5.) Every returning officer, deputy returning officer, and agent appointed in pursuance of this section shall, in the event of a contested election, and before the opening of the poll, make a statutory declaration of secrecy as to the returning officer in the presence of a justice of the peace, as to the other officers in the presence of a justice of the peace or of the returning officer, but, save as in this section mentioned, no officer mentioned in this section shall as such be required to make any declaration or take any oath on the occasion of any election.

Save as in this section mentioned, no officer shall be appointed at or for the purpose of any election except with the sanction of one of Her Majesty's Principal Secretaries of State.

Any candidate may himself perform any duty by this Act authorized to be performed by an agent appointed by him; a candidate may also attend at any polling station or attend the returning officer on the occasion of his ascertaining the number of votes given for each candidate; a candidate may also attend with his agent at any place where the agent may attend; provided that no candidate who has acted as agent at or has attended at any polling station, except in the capacity of voter, shall attend the returning officer on the occasion of his ascertaining the number of votes given for each candidate.

A candidate who avails himself of any of the provisions of this section shall make the statutory declaration of secrecy required by this Act in the case of the officers appointed at an election.

Attendance at polling station.

10. No person, except the presiding officer, the clerk of the presiding officer, the candidates, the agents for the candidates, and the voters, shall be entitled to enter a polling station during the polling; and no person, except the candidates and the above-mentioned officers, shall be entitled to remain in any polling station beyond the time required for voting.

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Publication of names of persons who have voted.

11. The copies of registers of voters containing the marks of the presiding officers, showing the persons who voted at any election, shall be open to public inspection at such time and places as may be prescribed by one of Her Majesty's Principal Secretaries of State, and any portion of such register may be copied, on payment of such fees as may be prescribed by the said Secretary of State.

Decision of returning officer as to validity of votes.

12. The returning officer shall have power to decide all questions relating to the validity of any ballot paper, or to the candidate or candidates to whom any vote is intended to be given by any ballot paper, but in the event of a petition being presented, complaining of an undue return or undue election, such decision may be reversed by the tribunal appointed to decide such petition.

Advertisements by returning officer.

13. In the case of a borough election, all notices which the returning officer is required to give by advertisement shall be given by placarding the same in a conspicuous position on the town hall or some other public building within the borough, and in such other places as the returning officer thinks fit. In the case of a county election, the notices shall be placarded in a conspicuous position at each of the polling places. In the case both of a county and borough election, the notices shall, in addition to being placarded, be published as soon as possible in some newspaper circulating in the county or borough, but no election shall be declared invalid by reason of a non-compliance with the provisions of this Act in relation to notices, when it appears to the tribunal having cognizance of the question that sufficient notice was given.

Identity of ballot papers.

14. The production from proper custody of a ballot paper purporting to have been used at any election for a county or borough, and of a counterfoil marked with the same printed number, letter, or other distinguishing mark, and having a number marked thereon in writing, shall be primâ facie evidence that the person who voted by such ballot paper was the person who at the time of such election had the same number as the number written affixed to his name in the register of electors for such county or borough.

Regulations as to custody of ballot papers, &c.

15. The following regulations shall be made with respect to the custody of ballot papers :

(1.) No person shall open the sealed packet of counterfoils after the same has been once sealed up, except by order of a competent court ; and

(2.) No person shall open the packets of ballot papers, whether used, spoilt, or duplicate ballot papers transmitted to the returning officer, except the returning officer, or some person by his order :

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(3.) No person shall open the packets of ballot papers, whether used, spoiled, or duplicate ballot papers, transmitted to the Clerk of the Crown in Chancery, except by the order of a competent court:

(4.) If any person opens any packet of counterfoils, or used ballot papers, or unused ballot papers, or duplicate ballot papers, or spoiled ballot papers, in contravention of this section, he shall be guilty of a misdemeanor, and shall be imprisoned, with or without hard labour, for any term not exceeding two years.

For the purposes of this section the House of Commons, or any tribunal having cognizance of petitions complaining of undue returns or undue elections, and no other court, shall be deemed to be a competent court; and no order shall be made the effect of which will be to discover the mode in which an elector has voted until he has been proved to have voted, and his vote has been declared by such court to be invalid.

The Clerk of the Crown shall, unless otherwise directed by an order of the House of Commons, cause to be destroyed, with such precautions as may ensure secrecy, all ballot papers and counterfoils of ballot papers which have been in his possession for a period exceeding two years.

Power of Secretary of State to make rules.

16. One of Her Majesty's Principal Secretaries of State may from time to time make, and, when made, repeal, alter, or add to, any rules respecting the matters following, so that the same are not inconsistent with the provisions of this Act:

(1.) The construction of polling stations and the secret compartments therein, with a view to secure secrecy:

(2.) The construction of ballot boxes:

(3.) The shape, size, colour, texture, and mode of printing of the ballot papers and their counterfoils;

(4.) Any other matter or thing required to be provided for the purpose of carrying this Act into execution.

Any rules made in pursuance of this section shall be deemed to be within the powers conferred by this Act, and shall be of the same force as if enacted in this Act, and shall be judicially noticed.

Any rules made in pursuance of this section shall be laid before Parliament within three weeks after they are made, if Parliament be then sitting, and, if Parliament be not then sitting, within three weeks after the beginning of the then next session of Parliament.

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Election Offences.

Offences with respect to voting.

17. Every person who—

(1.) Applies for a ballot paper or assumes to vote in the name of any other person:

(2.) Votes or offers to vote more than once at the same election for any county or borough:

(3.) Fails to vote after having received a ballot paper:

(4.) Deposits in the ballot box any ballot paper other than the one given to him by the presiding officer:

(5.) Takes out of the polling booth any ballot paper:

(6.) Remains in any secret compartment of any booth after having had sufficient time allowed him to mark his ballot paper, and after having been requested to leave such compartment by the presiding officer:

(7.) Disobeys any lawful command of the presiding officer given in execution of his duty as such,

Shall be guilty of a misdemeanor, and shall be subject to imprisonment for any term not exceeding *two years*, with or without hard labour.

Infringement of secrecy.

18. If any person by this Act required to make a declaration of secrecy and of fidelity to his office at any contested election—

(1.) Attempts by any means to obtain information as to the mode in which any elector votes:

(2.) Assists any person in obtaining information as to the person for whom any elector votes:

(3.) Offers any opinion or affords any information to any other person, except under the order of such competent court as is mentioned in this Act, as to the vote which he knows, believes, or suspects any person to have given at an election:

(4.) Gives any information before the close of the poll as to the persons who have applied for ballot papers at any polling station:

(5.) Gives any information, either during or after the close of the poll, as to the number of votes given for each candidate at any polling station,

He shall be guilty of a misdemeanor, and shall be liable to imprisonment, with or without hard labour, for any term not exceeding *two years*.

Forgery and miscellaneous of-

19. Every person who—

(1.) Forges any ballot paper; or

(2.) Votes or attempts to vote by means of any forged ballot paper; or

Offences as to ballot papers.

(3.) Makes any mark on the ballot paper of any voter by means of which such ballot paper may be afterwards identified; or

(4.) Wilfully displays his ballot paper in such manner as to show the candidates for whom he has voted,

Shall be guilty of a misdemeanor, and shall be subject to imprisonment, with or without hard labour, for any term not exceeding *two years*.

Destroying ballots or ballot boxes.

20. Every person who wilfully breaks or destroys, on the day of any polling or before the poll is completed, any ballot box used or intended to be used at such polling, or defaces, injures, destroys, or cancels any ballot paper which has been deposited in any ballot box at a polling, shall be guilty of a misdemeanor, and shall be liable to be imprisoned for any term not exceeding *two years*, with or without hard labour.

Disqualifications of returning officers.

21. Where any sheriff or other returning officer would, if this Act had not passed, have been disqualified from being elected to or sitting in Parliament, he shall, notwithstanding anything in this Act contained, or any alteration made in the form of the writ for elections, continue disqualified.

Saving Clauses.

Writs, &c. to be made conformable to this Act.

22. All writs to be issued for the election of members to serve in Parliament, and all mandates, precepts, instruments, proceedings, and notices consequent upon such writs or relating to the registration of voters, shall be framed and expressed in such manner and form as may be necessary for the carrying the provisions of this Act into effect.

This Act, as far as consistent, to be construed with enactments now in force.

23. This Act, so far as is consistent with the tenor thereof, shall be construed as one with the enactments for the time being in force relating to the election of members to serve in Parliament, and in the construction of the said Acts with this Act "polling station" shall have the same meaning as "polling booth" or "polling compartment."

Laws respecting elections to remain in force.

24. All laws, statutes, and usages now in force respecting the election of members to serve in Parliament, and the taking of the poll thereat, shall remain in full force, and shall apply to elections under this Act and the taking of the poll thereat, except so far as any of such laws, statutes, and usages relate to the mode of election or of taking the poll, or are otherwise inconsistent with the provisions of this Act.

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Act not to apply to universities.

25. Part One of this Act shall not affect the election of members to serve in Parliament for the universities of Oxford, Cambridge, or London, or for the universities of Edinburgh and St. Andrews, or for the universities of Glasgow and Aberdeen, or for the university of Dublin.

Forms in Schedule.

Provision as to forms in schedule.

26. The forms in the schedule hereto, or forms as nearly resembling the same as circumstances permit, or such other forms as may be prescribed by one of Her Majesty's Principal Secretaries of State, shall be used in all cases to which they apply, and shall be sufficient in law.

Definition.

Interpretation of terms:

27. The following terms shall in this Act have the meanings herein-after assigned to them, unless there is something in the context repugnant to such construction; (that is to say,)

"Member:" "Member" shall include a knight of the shire:

"Election:" "Election" shall mean an election of a member or members to serve in Parliament:

"County:" "County" shall not include a county of a city or county of a town, but shall mean any county or combined county, or any riding, parts, or divisions of a county returning a member or members to serve in Parliament:

"Borough:" "Borough" shall mean any borough, city, burgh or district of burghs, place or combination of places, not being a county as herein-before defined, returning a member or members to serve in Parliament:

"Clerk of the Crown in Chancery." "Clerk of the Crown in Chancery" shall in Ireland be construed to mean the Clerk of the Crown and Hanaper in Ireland.

PART II.

Amendment of Corrupt Practices Prevention Acts.

Payments not included in return to returning officer held to be corrupt payments.

28. Any payment made by or on behalf of any candidate at an election before or during or after such election, or on account of or in respect of such election, if such payment is not included in the statement of election expenses required by law to be delivered to the returning officer, and if such payment could not lawfully have been made by the candidate himself, shall be deemed to have

been corruptly made, and the person making the same shall be guilty of bribery, and any such payment shall not be recoverable either at law or in equity.

Prohibition against hiring rooms at public house.

29. The meetings of a committee for promoting the election of a member shall not be held at any public house, and if any such meeting is held in contravention of this section every person attending the same as a committeeman shall, in respect of every such attendance, be liable to a penalty not exceeding five pounds, to be recovered in a summary manner, and shall be incapacitated from voting at the election of such a member; and the owner of such public house shall be liable to a like penalty, to be recovered in like manner, for every meeting of such committee held at his house.

No room shall be hired at a public house for any purpose connected with an election except that of holding a public meeting at which the candidate is present; and if any room is hired in contravention of this section the person hiring the same shall be liable to a penalty not exceeding twenty pounds, to be recovered in a summary manner, and the owner of such public house shall be liable to a like penalty, to be recovered in like manner.

"Public house" shall in this section mean any hotel, inn, or other house in which any exciseable liquor is sold.

Construction of Act.

30. Part Two of this Act shall be construed as one with The Corrupt Practices Prevention Acts as defined by the Act of the session of the twenty-sixth and twenty-seventh years of the reign of Her present Majesty, chapter twenty-nine, and with the Parliamentary Elections Act, 1868.

A.D. 1870.

SCHEDULE.

NOTE: *The forms will require certain verbal alterations for use in Scotland and Ireland.*

Writ for a County at a General Election.

Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c., to the sheriff of greeting:

Whereas by the advice and assent of our council, for certain arduous and urgent affairs concerning us, the state and defence of our said kingdom and the church, we have ordered a certain Parliament to be holden at our city of Westminster on the day of next ensuing, and then and there to treat and have conference with the prelates, great men, and peers of our realm: We command you, that, notice of the time and place of election being first duly given, you do cause election to be made of *members* to serve in Parliament for according to the statutes in that case made and provided, and the names of such *members* so to be elected, whether they be present or absent, you shall cause to be certified to us, in our chancery, without delay.

Witness ourselves at Westminster, the day of in the year of our reign.

Endorsement.

Received the within writ on the day of

(Signed) *A. B.*
High sheriff.

Certificate endorsed on the Writ.

I hereby certify, that the members elected for the county, riding, or division, in pursuance of the within-written writ, are *A.B.* of in the county of and *C.D.* of in the county of .

Writ for a Borough at a General Election.

Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c., to the returning officer of the borough of , greeting:

Whereas by the advice and assent of our council, for certain arduous and urgent affairs concerning us, the state and defence

of our said kingdom and the church, we have ordered a certain Parliament to be holden at our city of Westminster on the day of next ensuing, and then and there to treat and have conference with the prelates, great men, and peers of our realm: We command you, that, proclamation of the time and place of election being first duly made, you do cause election to be made of *a member or members* to serve in Parliament for the said borough of , according to the statutes in that case made and provided, and the names of *such member or members* so to be elected, whether he or they be present or absent, you shall cause to be certified to us, in our chancery, without delay. A.D. 1870.

Witness ourselves at Westminster, the day of in the year of our reign.

Endorsement.

Received the within writ on the day of .

(Signed) *A.B.*,
High Sheriff.

Certificate endorsed on the Writ.

I hereby certify, that *the member or members* elected for the borough of , in pursuance of the within-written writ, is or are of .

Form of Notice of Election in Counties and Boroughs.

The returning officer of the will, on the day of now next ensuing, between the hours of and , proceed to the nomination, and, if there is no opposition, to the election, of *a member or members* for the county *or* division of a county *or* borough at the* .

All nomination papers proposing candidates must be delivered to the returning officer during the said hours.

*Note. Insert description of house.

Every nomination paper must be signed by two electors as proposer and seconder, and by eight other electors as assenting to the nomination.

Every nomination paper must be delivered to the returning officer by the candidate proposed, or by his proposer and seconder.

Each candidate nominated, accompanied by one person and the subscribing electors, and no other persons, are entitled to be admitted to the room.

Signed

A.D. 1870.

Take notice, that all persons who are guilty of bribery at the said election will, on conviction of such offence, be liable to the penalties mentioned in that behalf in "The Corrupt Practices Prevention Act, 1854."

Take notice, that all persons who are guilty of treating or undue influence at the said election will, on conviction of such offence, be liable to the penalties mentioned in that behalf in "The Corrupt Practices Prevention Act, 1854."

Form of Nomination Paper.

We, the undersigned *A.B.* of in the county of and *C.D.* of in the county of being electors for the of , do hereby nominate *John Jones*, of in the of , as a proper person to represent the said in Parliament.

(Signed) *A.B.*
C.D.

We, the undersigned, being eight electors of the do hereby assent to the nomination of the above-mentioned *John Jones* as a proper person to represent the said in Parliament.

(Signed) *E.F.*
G.H.
I.J.
K.L.
M.N.
O.P.
Q.R.
S.T.

D

Counterfoil No. 1.

NOTE:
The counterfoil may have a number, letter, or other distinguishing mark.

Ballot Paper.

County of
or
City or Borough of

Election 18 .

Names of Candidates.

John Jones of	in the County of	☐
John Brown of	in the County of	☐
John Smith of	in the County of	☐
Thomas Brown of	in the County of	☐

The voter may vote for candidates.

The voter will place a cross in the figure of the square (thus ☒) opposite the name, letter, or other distinguishing mark of each candidate for whom he votes.

The voter will then fold up the ballot paper so as to shew the number, letter, or other distinguishing mark on back, and leaving the compartment will put into the ballot box, in the presence of the presiding officer, first allowing him to see the number.

If the voter votes for more than candidates, his ballot paper will be void.

If the voter takes the ballot paper out of the booth, he will be guilty of a misdemeanor, and be subject to imprisonment for any term not exceeding two years, with or without hard labour.

A vote given for a candidate whose name is withdrawn will be thrown away.

A.D. 1870.

No. 1.

NOTE.—*Instead of a number there may be a letter or other distinguishing mark, so that the mark on the back, whether number, letter, or other mark, correspond with the mark on the counterfoil.*

A.D. 1870.

Statutory Declaration of Secrecy and of Fidelity in Office.

I solemnly promise and declare, that I will not at this election for except in cases where I am required so to do in compliance with the express provisions of the Ballot Act, 1870, do any of the following things:

(1.) Attempt by any means to obtain information as to the mode in which any elector votes:

(2.) Assist any person in obtaining information as to the person for whom any elector votes:

(3.) Offer any opinion or afford any information to any other person as to the vote which I know, believe, or suspect any person to have given at an election:

(4.) Give any information before the close of the poll as to the persons who have applied for ballot papers at any polling station:

(5.) Give any information, either during or after the close of the poll, as to the number of votes given for each candidate at any polling station.

A

BILL

To amend the law relating to procedure at Parliamentary Elections, and for other purposes.

(*Prepared and brought in by*
The Marquis of Hartington, Mr. Secretary Bruce,
and Mr. John Bright.)

Ordered, by The House of Commons, *to be Printed,*
9 *May* 1870.

[Bill 120.]

Under 3 *oz.*

A

B I L L

TO

Repeal an Act, intituled "An Act to restrain Party Processions "in Ireland." A.D. 1870.

WHEREAS it is expedient to repeal the Act passed in the thirteenth Victoria, chapter two, intituled "An Act to "restrain Party Processions in Ireland:" 13 Vict. c. 2.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. From and after the *passing of this Act* the aforesaid Act of the thirteenth Victoria, chapter two, intituled "An Act to restrain "Party Processions in Ireland," shall be and the same is hereby repealed. Repeal of 13 Vict. c. 2.

Party Processions (Ireland).

A

BILL

To repeal an Act, intituled "An Act "to restrain Party Processions in "Ireland."

(*Prepared and brought in by Mr. William Johnston, Viscount Crichton, and Captain Archdall.*)

Ordered, by The House of Commons, *to be Printed,* 14 *February* 1870.

[Bill 26.]

Under 1 *oz.*

A

B I L L

INTITULED

An Act to authorise the carriage of Naval and Military Stores in Passenger Ships. A.D. 1870.

WHEREAS by section twenty-nine of the Passengers Act, 1855, it is enacted that "no passenger ship shall clear out or "proceed to sea if there shall be on board as cargo, horses, cattle, "gunpowder, vitriol, lucifer matches, guano, or green hides, nor if "there shall be on board any other article or number of articles, "whether as cargo or ballast, which, by reason of the nature or "quantity or mode of stowage thereof, shall, either singly or collectively, be deemed by the emigration officer at the port of clearance "likely to endanger the health or lives of the passengers, or the safety "of the ship:" 18 & 19 Vict. c. 119. s. 29.

And whereas it is expedient that any of Her Majesty's Principal Secretaries of State should be empowered to authorise the carriage in passenger ships of naval and military stores whenever requisite for the public service:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as The Passengers Act Amendment Act, 1870. Short title.

2. This Act shall be construed as one with the Passengers Act, 1855, (in this Act referred to as the principal Act,) and the Passengers Act Amendment Act, 1863. Construction of Act.

3. Any one of Her Majesty's Principal Secretaries of State may, by order under his hand, authorise the carriage as cargo in any passenger ship, (subject to such conditions and directions as may Authority by Secretary of State to carry naval

A.D. 1870.

and military stores in passenger ships.

be specified in the order) of naval and military stores for the public service, and such stores may, notwithstanding anything contained in the principal Act, be carried accordingly in such passenger ship.

Such order shall be addressed to the emigration officer or person performing the duties of emigration officer at the port of clearance, and shall be by him countersigned, and delivered to the master of the passenger ship to which it refers, and shall be delivered up by the master to the chief officer of Customs at the port where the stores are discharged.

The master shall comply with all the conditions and directions specified in the order, and non-compliance therewith shall be deemed non-compliance with the requirements of the said section twenty-nine of the principal Act.

Passengers Act Amendment. [H.L.]

A

BILL

INTITULED

An Act to authorise the carriage of Naval and Military Stores in Passenger Ships.

(*Brought from the Lords* 21 *July* 1870.)

Ordered, by The House of Commons, *to be Printed,* 28 *July* 1870.

[Bill 251.]

Under 1 *oz.*

A

B I L L

FOR

Removing doubts respecting the payment of Expenses incurred in the Conveyance of Paupers in certain cases not expressly provided for by Law. A.D. 1870.

WHEREAS doubts are entertained whether boards of guardians may in certain cases lawfully pay the expenses incurred in conveying persons chargeable to their union or parish to any other part of England, and it is expedient that provision should be made for removing such doubts: Preamble.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

1. The Poor Law Board may, by order, define and direct in what cases (other than those expressly provided for by law), and under what regulations, the guardians of any union or parish may pay the reasonable expenses incurred by them in conveying any person chargeable to such union or parish from one place to another in England, and may charge such expenses upon the common fund of the union or other like fund under their control. Poor Law Board to define cases in which guardians may pay expense of conveying paupers.

2. This Act may be cited as the Paupers Conveyance (Expenses) Act, 1870, and shall be construed in like manner as the Poor Law Amendment Act, 1864, and the subsequent Acts amending or explaining the same. Short title and interpretation.

A

BILL

For removing doubts respecting the payment of Expenses incurred in the Conveyance of Paupers in certain cases not expressly provided for by Law.

(*Prepared and brought in by Mr. Peel and Mr. Goschen.*)

Ordered, by the House of Commons, *to be Printed*, 4 *July* 1870.

[Bill 193.]

Under 1 *oz.*

Pawnbrokers Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

Preamble.

1. Short title.
2. Extent of Act.
3. Commencement of Act.
4. Construction of Act 39 & 40 G. 3. c. 99.
5. Interpretation.
6. Table of profits in schedule.
7. Duplicate to state profit.
8. Alteration as to half months.
9. Special contract for greater profit.
10. Seven days grace as to special contract.
11. Rules as to entry, notice, &c. not to apply to special contract.
12. Copy of lost note of special contract.
13. Restriction as to persons to make special contracts.
14. Exemption from stamp duty of certain special contracts.
15. Forfeiture at end of half year.
16. No forfeiture under six months.
17. Former Acts to remain in force.

SCHEDULES.

A

B I L L

TO

Amend the Laws relating to Pawnbrokers. A.D. 1870.

WHEREAS the business of pawnbrokers in Great Britain is regulated principally by an Act passed in the year 1800, and it is expedient that better provision be now made respecting the same:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title. **1.** This Act may be cited as "The Pawnbrokers Act."

Extent of Act. **2.** This Act shall not extend to Ireland.

Commencement of Act. **3.** This Act shall take effect from and immediately after the *thirty-first* day of *December* one thousand eight hundred and *seventy*, and shall apply in all cases where any thing is pawned with a pawnbroker after that day, and in no other case.

Construction of Act 39 & 40 G. 3. c. 99. **4.** This Act and the Act of the session of the thirty-ninth and fortieth years of the reign of King George the Third (chapter ninety-nine), "for better regulating the business of pawnbrokers," (in this Act called the principal Act,) and the Acts amending the same, shall be read together as one Act.

Interpretation. **5.** In this Act the term "pawnbroker" means a person using and exercising the trade or business of a pawnbroker within the meaning of the principal Act and the Acts amending the same.

Table of profits in schedule. **6.** Sections two and three of the principal Act are hereby repealed; and a pawnbroker may demand and take from a person applying or offering to redeem any thing pawned with him for any time during which the same remains in pawn, not exceeding *one month*, and so for every month afterwards, including the current month in which the pawn is redeemed, although that month is not expired, a profit according to the table set forth in the first schedule

A.D. 1870.

to this Act, over and above the principal sum lent on the thing pawned, before being obliged to redeliver the same; which sum shall be taken in lieu of and as a full satisfaction for all interest due and charges for warehouse room.

Duplicate to state profit.

7. A pawnbroker shall, on every duplicate given by him to a pawnor, before the same is given, cause to be fairly and legibly noted thereon in writing or print, or partly in writing and partly in print, the amount of profit to be taken by the pawnbroker on the loan, for the first month or any less time.

Alteration as to half months.

8. So much of section five of the principal Act is hereby repealed as provides for the case of an application to redeem a thing pawned after the expiration of the first seven days and before the expiration of the first fourteen days of a month.

Special contract for greater profit.

9. Notwithstanding anything in the principal Act, or any Act amending the same, or this Act, a pawnbroker may demand and take from any person applying or offering to redeem any thing (not being wearing apparel, silver, plate, watches, or jewellery,) pawned with him, for any time during which the same remains in pawn, not exceeding *one* month, and so for every month afterwards, including the current month in which the pawn is redeemed, although that month is not expired, a profit greater than that prescribed in this Act, provided that at the time of the pawning a special contract for such greater profit is entered into, and a note thereof is made and delivered to the pawnor in the form and according to the regulations set forth in the second schedule to this Act.

Every such contract shall be signed by the pawnor at the time of pawning.

Seven days grace as to special contract.

10. Section five of the principal Act, as amended by this Act, shall apply to a special contract under this Act.

Rules as to entry, notice, &c. not to apply to special contract.

11. Nothing in section six or section nineteen of the principal Act, or in any enactment amending either of those sections, shall apply to a special contract under this Act.

Copy of lost note of special contract.

12. Section sixteen of the principal Act shall apply to cases where the note of a special contract under this Act is lost, mislaid, destroyed, or fraudulently obtained from the owner or owners thereof, save that the pawnbroker shall not be entitled to receive any money for the copy of the note and the form of affidavit delivered to the applicant or either of them.

Restriction as to persons to make special contracts.

13. Nothing in this Act shall authorize a pawnbroker to make a special contract with any person from whom he could not lawfully at *the passing of this Act* take anything in pawn.

Exemption from stamp duty of certain special contracts.

14. A note of a special contract under this Act relating to a pledge on which there is lent a sum not exceeding *ten* pounds shall not be deemed an agreement within any Act relating to the duties of stamps.

Forfeiture at end of half year.

15. Sections fourteen, seventeen, nineteen, and twenty-one of the principal Act, and all provisions relative thereto in that or any other Act, shall be read and have effect as if the period of *six* months were throughout those sections substituted for the period of a year.

No forfeiture under six months.

16. Notwithstanding anything in any special contract under this Act, anything pawned with a pawnbroker shall not be forfeited or saleable before the expiration of *six* months from the time of the pawning.

Former Acts to remain in force.

17. Subject to the provisions of this Act, the principal Act and the Acts amending the same shall continue to operate as if this Act had not been passed, and, subject as aforesaid, the same shall also apply in the cases of things pawned with special contracts under this Act.

SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

Table of Profit.

Loans not exceeding Forty-two Shillings.

	s.		*s.*		*d.*		*s.*		*s.*		*d.*	
For any sum under	2	-	-	-	$0\frac{1}{2}$	For the sum of	22	and under	24	-	6	
For the sum of	2	and under	4	-	1	„	24	„	26	-	$6\frac{1}{2}$	
„	4	„	6	-	$1\frac{1}{2}$	„	26	„	28	-	7	
„	6	„	8	-	2	„	28	„	30	-	$7\frac{1}{2}$	
„	8	„	10	-	$2\frac{1}{2}$	„	30	„	32	-	8	
„	10	„	12	-	3	„	32	„	34	-	$8\frac{1}{2}$	
„	12	„	14	-	$3\frac{1}{2}$	„	34	„	36	-	9	
„	14	„	16	-	4	„	36	„	38	-	$9\frac{1}{2}$	
„	16	„	18	-	$4\frac{1}{2}$	„	38	„	40	-	10	
„	18	„	20	-	5	„	40	„	42	-	$10\frac{1}{2}$	
„	20	„	22	-	$5\frac{1}{2}$	„	42	„	—	-	11	

Loans exceeding Forty-two Shillings and not exceeding Ten Pounds.

	s.	*d.*		*s.*	*d.*		*s.*	*d.*		*s.*	*d.*		*s.*	*d.*	
For any sum exceeding -	42	0	and under	42	6	-	0	$8\frac{1}{2}$	For the sum of	70	0	and under	72	6	-	1	$2\frac{1}{2}$	
For the sum of	42	6	„	45	0	-	0	9	„	72	6	„	75	0	-	1	3	
„	45	0	„	47	6	-	0	$9\frac{1}{2}$	„	75	0	„	77	6	-	1	$3\frac{1}{2}$	
„	47	6	„	50	0	-	0	10	„	77	6	„	80	0	-	1	4	
„	50	0	„	52	6	-	0	$10\frac{1}{2}$	„	80	0	„	82	6	-	1	$4\frac{1}{2}$	
„	52	6	„	55	0	-	0	11	„	82	6	„	85	0	-	1	5	
„	55	0	„	57	6	-	0	$11\frac{1}{2}$	„	85	0	„	87	6	-	1	$5\frac{1}{2}$	
„	57	6	„	60	0	-	1	0	„	87	6	„	90	0	-	1	6	
„	60	0	„	62	6	-	1	$0\frac{1}{2}$	„	90	0	„	92	6	-	1	$6\frac{1}{2}$	
„	62	6	„	65	0	-	1	1	„	92	6	„	95	0	-	1	7	
„	65	0	„	67	6	-	1	$1\frac{1}{2}$	„	95	0	„	97	6	-	1	$7\frac{1}{2}$	
„	67	6	„	70	0	-	1	2	„	97	6	„	100	0	-	1	8	

and so on at the rate of one halfpenny per month for every 2*s.* 6*d.* lent up to 10*l.*

THE SECOND SCHEDULE.

Form of and Regulations respecting Special Contract.

1.—Form.

No. _____

SPECIAL CONTRACT OF PAWN.

Date _____

_____

[*Name and address of pawnbroker in full*] has this day advanced to me the sum of _____ pounds _____ shillings _____ pence,

£ | *s.* | *d.*

on the following property, namely:

_____

_____

_____

_____

and on these terms:

	£	*s.*	*d.*
Profit on the above-mentioned loan for one month, or any less time, and the same for any subsequent month or part of a month (with seven days grace), payable on redemption - -			

To be redeemed in _____ months, or forfeited.

Signed _____

_____

No. _____

NOTE OF SPECIAL CONTRACT OF PAWN.

Date _____

_____

[*Name and address of pawnbroker in full*] has this day advanced the sum of _____ pounds _____ shillings _____ pence,

£ | *s.* | *d.*

to

Name _____

Address _____

on the following property, namely:

_____

_____

_____

_____

and on these terms:

	£	*s.*	*d.*
Profit on the above-mentioned loan for one month, or any less time, and the same for any subsequent month or part of a month (with seven days grace), payable on redemption - -			

To be redeemed in _____ months or forfeited.

2.—Regulations.

1. Each note of a special contract shall bear a number corresponding with the number on the contract.

2. No two notes issued in the same month shall bear the same number.

3. All special contracts shall be bound in a book, and shall be kept by the pawnbroker for not less than twelve months after the respective times when the things pawned become forfeited or saleable.

A

B I L L

To amend the Laws relating to Pawnbrokers.

(*Prepared and brought in by Mr. Plimsoll and Mr. Sidebottom.*)

Ordered, by The House of Commons, *to be Printed*, 17 *March* 1870.

[Bill 79.]

Under 1 *oz.*

Peace Preservation (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Clause

1. Short title.
2. Limitation of Act.
3. General definitions.

PART I.

AMENDMENT OF PEACE PRESERVATION ACT.

4. Special definitions.
5. Construction of Act.
6. Persons having game licences also to have licences to have and carry arms. Special licence to carry revolvers.
7. Punishment for carrying or having arms in proclaimed district.
8. 15 & 16 Geo. 3. c. 21. and 1 & 2 Will. 4. c. 44. to apply to proclaimed districts.
9. Repeal of 11 & 12 Vict. c. 2. s. 4.
10. Powers of persons acting under search warrants.
11. In proclaimed districts no dealer shall sell gunpowder but to a licensed dealer, or to a person licensed to keep arms.
12. In proclaimed districts arms to be sold, &c. only to persons licensed to have arms.
13. In proclaimed districts where felony committed justices may summon persons suspected of being capable of giving evidence in relation to such offence, and punish persons refusing to give evidence.
14. Persons charged with carrying or having arms may in certain cases be admitted to bail.
15. Power to issue warrant to search in proclaimed districts for documents in handwriting of persons suspected of writing threatening letters.

PART II.

Special Proclamations.

Clause
16. Provisions of this part of this Act to apply to proclaimed districts when special proclamation issued by Lord Lieutenant.
17. Printed copies of every special proclamation to be posted.
18. Production of Dublin Gazette containing publication of any special proclamation to be conclusive evidence of facts, &c.
19. Copy of special proclamation to be laid before Parliament.

Arrest of Persons out at Night under suspicious Circumstances.

20. Power to arrest persons in district specially proclaimed found out at night under suspicious circumstances.

Closing of Public Houses by order of Lord Lieutenant.

21. Power to Lord Lieutenant by order to close public houses in districts specially proclaimed.

Power to arrest Strangers.

22. Power to arrest strangers in district specially proclaimed.

Summary Proceedings in certain Cases.

23. Power to justices to punish persons charged with certain offences.
24. Persons accused may have assistance of counsel, &c.
25. Any metropolitan police magistrate or stipendiary magistrate may act alone.

Change of Venue.

26. Venue may be changed on suggestion of Attorney General.

PART III.

General Provisions.

Newspapers.

27. Newspapers containing treasonable or seditious matters, &c. forfeited to Her Majesty.
28. Power to Lord Lieutenant to issue warrant to search for and seize newspapers, printing presses, types, &c.

Clause

29. Power to enter premises to execute warrant.
30. Action in case of illegal search or seizure.
31. Forfeitures under this part of this Act to be in addition of other penalties.
32. Term "newspaper."

Regulations as to Gunpowder and Fire-arms.

33. No person not licensed as a manufacturer shall sell gunpowder without a licence for that purpose.
34. Gunpowder makers and dealers, within thirty days after commencement of Act, and afterwards monthly, shall return account of their stock to chief officer of police, and keep books with accounts of sales, &c. to be inspected, and stock examined.
35. Monthly account of arms sold, &c. shall be kept.

Power to apprehend Witnesses absconding.

36. Power of apprehending absconding witnesses.

Power to Grand Jury to present Compensation in certain Cases.

37. Power to grand jury to present compensation to be paid in certain cases of murder or maiming.
38. Moneys levied as compensation under this Act or 6 & 7 W. 4. c. 116. s. 106., or for extra police under Peace Preservation Act, to be paid by occupiers of houses.
39. Recovery of penalties.
40. Declaration as to applicability of certain enactments.

Schedules.

A

B I L L

TO

Amend "The Peace Preservation (Ireland) Act, 1856," and for other purposes relating to the Preservation of Peace in Ireland. A.D. 1870.

WHEREAS it is expedient to amend the "Peace Preservation (Ireland) Act, 1856," and to make further and better provisions for the protection of life and property in Ireland:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited for all purposes as "The Peace Preservation (Ireland) Act, 1870." Short title.

2. This Act shall apply to Ireland only, and shall continue in operation until the first day of August one thousand eight hundred and seventy-one. Limitation of Act.

3. In this Act— General definitions.

The term "Lord Lieutenant" shall mean the Lord Lieutenant and the Lords Justices or other chief governors or governor of Ireland for the time being:

The terms "chief secretary" and "under secretary" shall mean respectively the chief secretary and under secretary of the Lord Lieutenant of Ireland:

The term "chief officer of police" shall mean within the police district of Dublin metropolis, any one of the commissioners of police for the said district, and elsewhere any inspector, sub-inspector, head or other constable of the Royal Irish constabulary acting as chief officer of constabulary within any district or town:

The term "county" shall extend to and include county of a city, and county of a town, and a riding of a county:

The term "principal Act" shall mean the parts of the Act passed in the session of Parliament held in the eleventh and twelfth years of the reign of Her present Majesty, intituled "An Act for

A.D. 1870.

" the better prevention of crime and outrage in certain portions " of Ireland until the first day of December one thousand " eight hundred and forty-nine, and to the end of the then " next session of Parliament," which are continued by and are in force and operation under the Peace Preservation Act:

The term "Peace Preservation Act" shall mean "The Peace Preservation (Ireland) Act, 1856," and the Acts amending and continuing the same now in force.

The term "gunpowder" shall include gun-cotton and any other explosive matter used for the discharge of fire-arms.

PART I.

Amendment of Peace Preservation Act.

Special definitions.

4. In Part I. and Part II. of this Act the terms following shall have the meanings herein-after assigned to them respectively:

The term "proclaimed district" shall mean any county, county of a city, county of a town, or any barony or baronies, half barony or half baronies, in any county at large, or any district of less extent, to which the provisions of The Peace Preservation Act are declared to apply by proclamation under the said Act, so long as such proclamation shall be in force:

The term "notice" shall mean any notice published under the provisions of section eleven of the principal Act, requiring persons in a proclaimed district to deposit arms at a place therein named:

The term "arms" shall include any cannon, gun, revolver, pistol, or other fire-arm, or any part or parts of any cannon, gun, revolver, pistol, or other fire-arm, or any sword, cutlass, pike or bayonet, or any bullets, gunpowder, or ammunition.

Construction of Act.

5. Part I. of this Act so far as is consistent with the tenor thereof shall be construed as one with the Peace Preservation Act.

Persons having game licences also to have licences to have and carry arms.

6. Notwithstanding anything in the principal Act it shall not be lawful for—

Any person, although duly licensed to kill game, to carry arms, or, after notice, to have arms, in any proclaimed district, unless such person shall also have a licence granted to him under the Peace Preservation Act to carry and have arms in such district, or in some other proclaimed district; or for—

Special licence to carry revolvers.

Any person to carry, or, after notice, to have any fire-arm of the description known as a revolver in any proclaimed district, although he shall have a licence granted to him under the Peace Preservation Act to carry or have arms within such district, unless such licence shall describe such fire-arm as a revolver and specially permit the carrying or having the same.

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Punishment for carrying or having arms in proclaimed district.

7. So much of section two of the Peace Preservation Act as enacts that the punishment to which parties are liable, on conviction, under the ninth and twelfth sections of the principal Act shall thenceforth be reduced from imprisonment for any period not exceeding two years, with or without hard labour, to imprisonment for any period not exceeding one year, shall be and the same is hereby repealed.

Any person guilty of carrying or having arms contrary to the provisions of the said ninth and twelfth sections of the principal Act, or contrary to the provisions of the sixth section of this Act, or any of them, shall be liable on conviction thereof to be imprisoned, with or without hard labour, for any term not exceeding *two* years.

15 & 16 Geo. 3. c. 21. and 1 & 2 Will. 4. c. 44. to apply to proclaimed districts.

8. All the powers and provisions now in force of an Act passed in the Parliament of Ireland in the session of Parliament held in the fifteenth and sixteenth years of the reign of His late Majesty King George the Third, intituled "An "Act to prevent and punish tumultuous risings of persons within "this kingdom, and for other purposes therein mentioned," and also of another Act amending the same, passed in the Parliament of the United Kingdom in the second year of the reign of His late Majesty King William the Fourth, intituled "An Act to amend an "Act passed in the Parliament of Ireland in the fifteenth and "sixteenth years of the reign of His Majesty King George the "Third, intituled 'An Act to prevent and punish tumultuous risings "'of persons within this kingdom, and for other purposes therein "'mentioned,'" shall extend and apply to every proclaimed district, and upon any trial or proceeding under the said last recited Acts, or either of them, it shall not be necessary to prove that any such district was at the time of the commission of any offence or offences against the said last recited Acts, or either of them, in a state of public or general disturbance, or insurrectionary movement, or that any such offence or offences, or the circumstances attending the same, was or were of an insurrectionary nature or character: Provided always, that the court or judge before which or whom any person or persons shall be tried for any offence against the provisions of section two of the said Act of the fifteenth and sixteenth years of the reign of His late Majesty King George the Third, shall, where such offence has been committed at any time after sunset and before sunrise, or before the hour of six in the forenoon though the sun should be arisen, have power and authority to sentence such prisoner to penal servitude for any term not exceeding *seven* years.

Repeal of 11 & 12 Vict. c. 2. s. 4.

9. From and after *the passing of this Act* section fourteen of the principal Act shall be and the same is hereby repealed.

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Powers of persons acting under search warrants.

10. It shall be lawful for any person to whom any warrant to search for and seize arms in any proclaimed district is directed, under the provisions of section thirteen of the principal Act, and for constables and other persons acting in their aid or assistance, within the space of *three* months next after the date of any such warrant, at such time and times and as often as they think fit to enter into any house or place, in order to execute such warrant, and in case admittance shall be refused to any such constables or persons as aforesaid, or shall not be obtained by them within a reasonable time after it has been first demanded, then to enter by force into such house or place in order to execute such warrant.

In proclaimed districts no dealer shall sell gunpowder but to a licensed dealer or to a person licensed to keep arms.

11. Every maker of or dealer in gunpowder, his agent or servant, shall, before selling or delivering any quantity of gunpowder to any person in any proclaimed district, require such person to produce a licence authorizing him to make, deal in, or sell gunpowder, or to have or carry arms, or in case such gunpowder shall be wanted for the purpose of mining or blasting, a certificate, under the hands of one or more justices of the peace, that such gunpowder is to be applied to such purpose, and in the case of gunpowder required for mining or blasting there shall be endorsed on such certificate by the person selling or delivering the same, the quantity so sold or delivered, and the time of sale, and such person shall sign his name thereto; and if any maker of or dealer in gunpowder, his agent or servant, shall sell or deliver any quantity of gunpowder to any person without the production of such a licence or certificate, or shall neglect to endorse on such certificate the quantity so sold or delivered and the time when, and to sign his name thereto, he shall for the first such offence be liable to a penalty not exceeding *five* pounds, and for any second offence he shall be liable to a further penalty not exceeding *ten* pounds.

In proclaimed districts arms to be sold, &c. only to persons licensed to have arms.

12. It shall not be lawful for any person in a proclaimed district to sell to, or to make, mend, repair, or keep for any person not duly licensed to have arms any gun, revolver, pistol, or other fire-arm, or any part thereof; and if any person shall sell, make, mend, repair, or keep any gun, revolver, pistol, or other fire-arm, or part thereof, contrary to the provisions of this Act, every such offender shall be liable to a penalty not exceeding *fifty* pounds.

In proclaimed districts where felony committed justices may summon persons suspected of

13. Where in any proclaimed district any felony, or misdemeanor has been committed, any justice of the peace in such district, although no person may be charged before him with the commission of such offence, shall have full power and authority to summon any person within his jurisdiction who, he shall have reason to believe, is capable of giving material evidence concerning any such felony

or misdemeanor, and to examine such person on oath concerning any such felony or misdemeanor, and, if he shall see cause, to bind such person by recognizance to appear and give evidence at the next petty sessions, quarter sessions, or assizes. And in case any person who shall be summoned for that purpose shall neglect or refuse to appear or shall refuse to take such oath, or having taken such oath shall refuse to answer such questions concerning the said felony or misdemeanor as shall then be put to him, or shall refuse to enter into such recognizance, such person may be dealt with in the manner provided by section thirteen of The Petty Sessions (Ireland) Act, 1851, in the case of a witness to whom a summons was issued and who neglects or refuses to attend or who refuses to give evidence or be bound by recognizance so to do.

being capable of giving evidence in relation to such offence, and punish persons refusing to give evidence.

Every summons under this section may be in the Form (I.) in the schedule (A.) to this Act annexed or to the like effect.

14. Where any person in a proclaimed district shall be charged with any offence contrary to the provisions of sections nine and twelve of the principal Act, or of section six of this Act, or of any of them, the admission to bail of such person shall be subject to the like conditions as the admission to bail under section sixteen of The Petty Sessions (Ireland) Act, 1851, of persons charged with any of the offences specified in sub-section one of the said section.

Persons charged with carrying or having arms may in certain cases be admitted to bail.

15. Whenever any information in writing and on oath is made before a justice that there is reasonable cause to suspect that any threatening letter or threatening notice, as the same is defined in the schedule (C.) to this Act annexed, was written by any particular person, and that there is to be found in any house or other place belonging to or under the control of such person in a proclaimed district, any document in his handwriting, it shall be lawful for such justice to issue a warrant to search such house or place for such document; and every such warrant shall be in the Form (II.) in the schedule (A.) to this Act annexed or to the like effect, and shall be directed to and executed by the like parties, and in like manner, and subject to the like conditions in every respect, so far as the same are applicable, as if the same were a warrant to search issued under "The Summary Jurisdiction (Ireland) Act, 1851."

Power to issue warrant to search in proclaimed district for documents in handwriting of persons suspected of writing threatening letters.

PART II.

Special Proclamations.

16. Whenever in the judgment of the Lord Lieutenant, by and with the advice of the Privy Council of Ireland, it is necessary for the better prevention of crime and outrage that the provisions of

Provisions of this part of this Act to apply to

A.D. 1870.

proclaimed districts when special proclamation issued by Lord Lieutenant.

this part of this Act shall apply to any proclaimed district, it shall be lawful for the Lord Lieutenant, by and with the advice of the said Privy Council, to declare by proclamation, in this part of this Act called a special proclamation, to be published in the Dublin Gazette, that from and after a day to be named therein, the provisions of this part of this Act shall be in force within the same; and thereupon such district shall be a district specially proclaimed within the meaning of this part of this Act: Provided always, that it shall be lawful for the Lord Lieutenant, by a new proclamation, to be made by and with the advice of the Privy Council of Ireland, to be published in the Dublin Gazette, to revoke any special proclamation issued under this part of this Act, as to the whole or any part of the district named in such special proclamation; and thereupon such special proclamation shall, from and after a day to be named in such new proclamation, stand and be revoked, so far as such new proclamation shall purport to revoke the same.

Printed copies of every special proclamation to be posted.

17. Printed copies of every special proclamation issued under the authority of this part of this Act, shall be posted in the manner prescribed by the Peace Preservation Act, in relation to the posting of proclamations issued under the provisions thereof, and at the foot of every copy of any such special proclamation so posted as aforesaid an abstract of the provisions of this part of this Act shall be printed for the information of all persons affected by the said enactments.

Production of Dublin Gazette containing publication of any special proclamation to be conclusive evidence of facts, &c.

18. The production of a printed copy of the Dublin Gazette, purporting to be printed and published by the Queen's authority, containing the publication of any special proclamation, under this part of this Act, shall be conclusive evidence of all such facts and circumstances as were or shall be necessary to authorize the issuing of any such special proclamation; and every such special proclamation shall be deemed and taken in all such courts respectively, to all intents and purposes whatsoever, to have been issued in conformity with this part of this Act.

Copy of special proclamation to be laid before Parliament.

19. A copy of every special proclamation issued under the authority of this Act shall be laid before each House of Parliament within fourteen days of the date of the same, if Parliament be then assembled, and if not then within fourteen days of the next subsequent meeting of Parliament.

Arrest of Persons out at Night under suspicious Circumstances.

Power to arrest persons in districts specially

20. It shall be lawful for any justice of the peace to arrest and bring before him, or cause to be arrested or brought before him, or for any constable, peace officer, or other person to arrest

and bring before any justice of the peace any person who, within any district specially proclaimed and under suspicious circumstances, shall be in the fields, streets, highways, or elsewhere out of his dwelling or place of abode at any time from one hour after sunset until sunrise, and any such justice may order such person to be brought or appear before the justices of the peace assembled at the next petty sessions for the district in which such person was arrested, and may in the meantime commit such person to gaol or admit him to bail as to such justice shall seem fit, and the justices at such petty sessions assembled shall examine the person so brought or appearing before them, who shall in such case be a competent witness, and shall examine such other witnesses and receive such evidence as may be brought before them touching the charge, and unless it is proved to their satisfaction that such person was out of his house upon his lawful occasion or business, such justices may commit him to gaol, there to be imprisoned with or without hard labour for any period not exceeding *six* calendar months.

Power to proclaimed district found out at night under suspicious circumstances.

Closing of Public Houses by order of Lord Lieutenant.

21. It shall be lawful for the Lord Lieutenant by order in writing, to be signed by the Chief or Under Secretary, whenever he thinks fit to direct that any person who keeps any house or place in any district specially proclaimed for the sale of wine, spirits, ale, beer, or cyder by retail and to be drunk on the premises, shall, during the period specified in such order, close such house or place at sunset or at such time after sunset as shall be specified in such order; and every such order shall be served upon the person to whom the same is directed by delivering to him a copy of such order, or if he cannot be conveniently met with by leaving such copy at the house or place to which such order relates; and any person upon whom such order shall be served, and who shall keep open such house or other place in violation of such order, shall on conviction be liable to a penalty not exceeding *fifty* pounds, and to imprisonment for any period not exceeding *three* months.

Power to Lord Lieutenant by order to close public-houses in districts specially proclaimed.

Power to arrest Strangers.

22. It shall be lawful for any justice of the peace to arrest and bring before him, or cause to be arrested or brought before him, or for any constable, peace officer, or other person to arrest and bring before any justice of the peace, any stranger sojourning or wandering in any district specially proclaimed, and to examine him on oath respecting his place of abode, the place from whence he came, his manner of livelihood, and his object or motive for remaining or coming into the county, city, or town in which he shall be found, and unless he shall answer to the satisfaction of such justice, or produce

Power to arrest strangers in district specially proclaimed.

A.D. 1870.

sufficient security for his good behaviour, such justice shall commit him to gaol, there to remain until he shall find such security as aforesaid, or until he shall be discharged by such justice: Provided always, that such justice shall, without delay, after such committal, transmit to the Lord Lieutenant, a true and faithful report of such committal, and the grounds and reasons thereof, the amount of bail required, with the examination of the prisoner, and the reasons alleged by him why he should not be committed; which such justice is required to take down in writing, in order that such person may be detained or discharged, as to the Lord Lieutenant may seem right.

Summary Proceedings in certain Cases.

Power to justices to punish persons charged with certain offences.

23. When any person is charged in any district specially proclaimed before any justices of the peace assembled at petty sessions with any offence contrary to any of the enactments specified in Part I. of the schedule (B.) to this Act annexed, it shall be lawful for such justices, if they so think fit, to hear and determine the charge in a summary way, and if the person charged shall confess the same, or if such justices, after hearing the whole case for the prosecution and for the defence, shall find the charge to be proved, then it shall be lawful for such justices to convict the person charged, and commit him to gaol, there to be imprisoned, with or without hard labour, for any period not exceeding *six* calendar months; and if they find the offence not proved they shall dismiss the charge, and make out and deliver to the person charged a certificate under their hands, stating the fact of such dismissal; and every such conviction and certificate respectively may be in the Forms (III.) and (IV.) in the schedule (A.) to this Act annexed, or to the like effect: Provided that if such justices are of opinion that the charge, from any circumstances, should be made the subject of prosecution by indictment, rather than be disposed of summarily, such justices shall, instead of summarily adjudicating thereon, deal with the case in all respects as if this Act had not been passed. If upon the hearing of the charge such justices shall be of opinion that there are circumstances in the case which render it inexpedient to inflict any punishment, they shall have power to dismiss the person charged, without proceeding to a conviction.

Every person who obtains a certificate of dismissal or is convicted under this Act shall be released from all further or other criminal proceedings for the same cause.

Persons accused may have assistance of counsel, &c.

24. In every case of summary proceeding under this Act the person accused shall be allowed to make his full answer and defence, and to have all witnesses examined and cross-examined by counsel or attorney.

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Any metropolitan police magistrate or stipendiary magistrate may act alone.

25. Any magistrate appointed to act at the police courts of the police district of Dublin metropolis, and sitting at a police court within the said district, or any stipendiary magistrate sitting in petty sessions, may do alone all acts by this part of this Act authorized to be done by justices of the peace at petty sessions.

Where any justices of the peace at petty sessions are by this part of this Act authorized to do any act, such act may be done by any two or more of such justices, provided always that one of such justices shall be a stipendiary magistrate.

Change of Venue.

Venue may be changed on suggestion of Attorney General.

26. Where any indictment found in any county specially proclaimed shall be removed by Certiorari into Her Majesty's Court of Queen's Bench at Dublin, and issue shall be joined on such indictment, the said court or any judge thereof in term time or in the vacation, shall, upon the application of Her Majesty's Attorney General for Ireland in that behalf, order a suggestion to be entered upon the record directing such issue to be tried in any county to be named in that behalf by the said Attorney General, and specified in such suggestion other than the county in which such indictment was found, and such suggestion may be in the form (V.) in the schedule (A.) to this Act annexed or to the like effect, and shall have the same force and effect as any suggestion by which if made on the record the issue joined on any such indictment might now by law be tried in a county other than the county in which such indictment was found, and thereupon all proceedings may be taken according to the practice of the said court for the trial of the person charged in such indictment, and such person may be tried, in the county in that behalf specified in such suggestion, and such proceedings and trial, and every verdict given at such trial, and any judgment thereon, shall be valid and effectual to all intents and purposes as if such person had been tried in the county in which the offence charged in such indictment was committed.

In case of any such indictment so removed as aforesaid the days or times allowed or required according to the practice of the court for appearing or pleading, or in any notice of motion or in any writ of Habeas corpus, or in or for any other step or proceeding relating to such indictment shall run in vacation as well as in term time, and any order may be made in reference to such indictment or the proceedings thereon by the said Court of Queen's Bench, or by a judge thereof in vacation as well as in term time.

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PART III.

General Provisions.

Newspapers.

Newspapers containing treasonable or seditious matters, &c. forfeited to Her Majesty.

27. Where any newspaper printed in Ireland contains any treasonable or seditious engraving, matter, or expressions, or any incitements to the committing of any felony, or any engraving, matter, or expressions having a tendency to foster, encourage, or propagate treason or sedition, or to incite to the committing of any felony, all printing presses, engines, machinery, types, implements, utensils, paper, and other plant and materials used or employed or intended to be used or employed in or for the purpose of printing or publishing such newspaper, or found in or about any premises where such newspaper is printed or published, together with all copies of such newspaper, wherever found, shall be forfeited to Her Majesty.

Where any newspaper printed elsewhere than in Ireland is circulated in Ireland, and contains any such engraving, matter, expressions, or incitements as aforesaid, all copies of such newspaper wherever found shall be forfeited to Her Majesty.

Power to Lord Lieutenant to issue warrant to search for and seize newspapers, printing presses, types, &c.

28. Where it appears to the Lord Lieutenant that any newspaper printed or circulated in Ireland contains any such engraving, matter, expressions, or incitements, as aforesaid, he may, by warrant under his hand in the form (VI.) in the schedule (A.) to this Act annexed, or to the like effect, empower any person or persons to whom such warrant is addressed, or his or their assistants, to enter upon any premises where the newspaper specified in said warrant, and containing such engraving, matter, expressions, or incitements as aforesaid, is printed or published, or where any printing press, engine, machine, types, implements, utensils, paper, or other plant or materials suspected to be, or to have been used for the printing or publishing of such newspaper as aforesaid shall be, or shall be suspected to be, or where any copy of such newspaper as aforesaid is sold, distributed, or published, or suspected to be sold, distributed, or published, or kept or deposited for sale, distribution, or publication, or suspected to be kept or deposited for sale, distribution, or publication, and to search for, seize, and take away such printing presses, engines, machines, types, papers, implements, utensils, and plant, and every copy of such newspaper as aforesaid; and no action, save as herein-after mentioned, shall be brought or maintained against any person for the issuing of such warrant, or for any entry, search, or seizure, or other act, matter, or thing done in pursuance or under the authority of any such warrant as aforesaid.

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Power to enter premises to execute warrant.

29. Where any person duly authorized by warrant, as aforesaid, to enter any premises, or his assistants, shall demand admittance, and give notice of such warrant, and the door of any house, room, shop, warehouse, outhouse, building, or other premises shall not be opened within reasonable time after the making of such demand, it shall be lawful for any such person, or his assistants, to break open such door, and to enter thereat, for the purpose of making such search or seizure as aforesaid, and if any person shall refuse to permit any person duly authorized in that behalf, or his assistants, to enter such premises for the purpose of making any such search or seizure, or shall resist, obstruct, molest, prevent, or hinder any such person, or his assistants, as aforesaid, in the making of any such search, or in the seizing or taking away of any goods, chattels, articles, matters, and things which may be lawfully seized, or otherwise in the execution of any warrant under this Act, such person shall be deemed guilty of assaulting or wilfully resisting or obstructing a peace officer in the due execution of his duty, and on conviction shall be punished accordingly.

Action in case of illegal search or seizure.

30. Where any person, who but for the provisions of this part of this Act would be entitled to maintain an action for any search or seizure made under the authority of a warrant under this part of this Act, feels aggrieved by any search or seizure made under the authority of any such warrant, he may within *fourteen days* after such search or seizure commence an action in any of Her Majesty's Superior Courts of Common Law at Dublin against the person or persons to whom such warrant is addressed, or any of the assistants of such person or persons, and may claim damages on the ground that such search or seizure was illegal, because the newspaper specified in such warrant and in reference to which such search or seizure was made did not contain any engraving, matter, expressions, or incitements, by reason of which such newspaper was forfeited to Her Majesty under the provisions of this part of this Act; and the defendant in such action may plead in defence to such action the defence in the schedule (C.) to this Act annexed, or a defence to the like effect; and such action shall, except as is herein specially provided, be prosecuted, tried, and determined in every respect as any other action of tort brought in any of the said superior courts; and any copy or copies of the said newspaper published before the search or seizure complained of may be given in evidence by the defendant in proof of the nature or tendency of the engraving, matter, expressions, or incitements used in the said newspaper, in reference to which the search or seizure complained of was made; and in the event of the jury finding that such newspaper did con-

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tain any such engraving, matter, expressions, or incitements as aforesaid, the defendant shall be entitled to a verdict, and to his costs of suit; and if they shall find that such newspaper did not contain any such engraving, matter, expressions, or incitements as aforesaid the plaintiff shall be entitled to a verdict, and to such damages as may be lawfully awarded by the jury, together with his costs of suit according to the practice of the court applicable to such an action; *and where any such verdict shall pass for the plaintiff there shall be paid to the plaintiff out of the Consolidated Fund of the United Kingdom the damages awarded him, together with his costs of suit.*

Forfeitures under this part of this Act to be in addition of other penalties.

31. All forfeitures incurred under this part of this Act shall be in addition to, and not in derogation of, any other penalty or punishment to which the proprietor of any newspaper may be subject under any other Act or at common law.

Term "newspaper."

32. The term "newspaper" in this part of this Act shall include two or more copies of a newspaper bearing the same name, whether published on the same day or on different days.

Regulations as to Gunpowder and Fire-arms.

No person not licensed as a manufacturer shall sell gunpowder without a licence for that purpose.

33. It shall not be lawful for any person, not being duly licensed to manufacture gunpowder to deal in or sell gunpowder by retail or otherwise in Ireland, unless he shall have obtained a licence for that purpose from the Lord Lieutenant, or the chief or under secretary; and no such licence shall be granted without a certificate, under the hands and seals of two or more justices of the peace in petty sessions assembled for the district within which such person shall carry on such trade, in the form in the schedule to this Act annexed, that such person is a proper person to obtain the same, and that his stores are secure and fit for the purpose of keeping gunpowder; and any person who shall sell gunpowder, by retail or otherwise, without being licensed for that purpose, or without being licensed to manufacture gunpowder as aforesaid, shall for every such offence be liable to penalty not exceeding *fifty pounds*, and all gunpowder, and every cask or vessel in which the same shall be contained, found in the possession of, or in any house or other place belonging to such person, shall be forfeited to the use of Her Majesty.

Gunpowder makers and dealers, within thirty days after commencement of Act, and afterwards

34. Every maker or manufacturer of gunpowder, and every person dealing in or selling the same, in Ireland, shall within *thirty days* after the passing of this Act return an account to the chief officer of police in the district in which he resides of all the stock of gunpowder then in his possession, describing the place or places where the same is kept, and the packages containing the same, and shall

provide a book in which such quantity shall be entered, and shall from time to time, in the first week of every calendar month, make or cause to be made a like return and like entry; and every such maker or manufacturer or dealer in gunpowder, by wholesale or retail, shall also enter or cause to be entered in a separate book to be by him for that purpose provided, and distinguished by the name of "the book of sales," an account of every parcel of gunpowder sold or disposed of or delivered, with the time when and to whom; and it shall be lawful for any justice of the peace, or any chief officer of police, or any person duly authorized by such justice or officer, at all reasonable times to have access to such books, and to examine the stock of such maker or seller of gunpowder, and compare and balance the same with the account kept in such books; and the several chief officers of police (except the chief officers of police within the police district of Dublin metropolis), to whom such accounts and returns shall be rendered, shall, from time to time, transmit the same to the inspector general of constabulary in Ireland as they may be by him directed; and if any such maker or manufacturer of, or dealer in, gunpowder shall not make such returns, or shall not truly make the same, or shall not keep such books, or shall not truly make, or cause to be made, such entries therein, or shall not, after demand, produce such books to any person hereby or by the said persons duly authorized as aforesaid, or shall not permit any such person to inspect the same, or to examine his stock, he shall, for the first offence, be liable to a penalty not exceeding *ten* pounds, and for any second offence shall be liable to a penalty not exceeding *twenty* pounds.

monthly, shall return account of their stock to chief officer of police, and keep books with accounts of sales, &c., to be inspected and stock examined.

35. Every person who shall make, repair, or sell any gun, pistol, or other fire-arms, or any part thereof, shall keep a book in which he shall enter or cause to be entered a monthly account of all such articles made, sold, or repaired by such person, and to or for whom and the respective times when the same were sold or repaired, and shall every month return a copy of such account to the chief officer of police in the district, and the chief officer of police of every district (except the police district of Dublin metropolis) shall transmit the same to the inspector general of constabulary in Ireland; and it shall be lawful for any justice of the peace, or chief officer of police, or any person duly authorized by such justice or officer, at all reasonable times, on demand, to have access to such book, to examine the same; and if any person licensed as last aforesaid, making, repairing, or selling any such article, shall not keep such book, or shall not truly enter or cause to be entered therein such account as aforesaid, or shall omit to make

Monthly account of arms sold, &c. shall be kept.

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any such return as aforesaid, or shall not, after demand, produce such book to any person hereby or by the said persons duly authorized as aforesaid, or shall not permit such person to examine the same, he shall for the first offence be liable to a penalty not exceeding *ten* pounds, and for any second offence be liable to a penalty not exceeding *twenty* pounds.

Power to apprehend Witnesses absconding.

Power of apprehending absconding witnesses.

36. Whenever any person shall be bound by recognizance to give evidence at any trial, or at the hearing of any charge, it shall be lawful for any justice, if he shall see fit, upon the application of any person, and upon information being made in writing, and on oath by such person that the person so bound to give evidence is about to abscond or has absconded, in order to avoid giving such evidence, to issue his warrant for the arrest of such person so bound to give evidence, and afterwards, when such person has been arrested upon being satisfied that the ends of justice would otherwise be defeated, to commit such person when so arrested to gaol until such trial or hearing, or until he shall produce another sufficient surety or other sufficient sureties, as the case may be, in like manner as before.

Power to Grand Jury to present Compensation in certain Cases.

Power to grand jury to present compensation to be paid in certain cases of murder or maiming.

37. Where it shall appear that any person has been murdered, maimed, or otherwise injured in his person, and that such murder, maiming, or injury is a crime of the character commonly known as agrarian, or arising out of any illegal combination or conspiracy, it shall be lawful for the grand jury of the county within which such murder, maiming, or injury shall have been committed to present such sum or sums of money as they shall think just and reasonable to be paid to the personal representative of the person so murdered, or to the person so maimed or injured, having regard to the rank, degree, situation, and circumstances of such person; such money to be raised off the county at large or the barony or townland in which such murder or maiming shall respectively have been perpetrated, at the discretion of such grand jury; and every such presentment shall be made in the like manner, and shall, save as is by this Act expressly provided, be subject to the like conditions as any presentment made under the authority of section one hundred and six of an Act passed in the session of Parliament held in the sixth and seventh years of the reign of His late Majesty King William the Fourth, chapter one hundred and sixteen, intituled "An Act to consolidate and amend the Laws relating to the presentment of public money by Grand Juries in Ireland."

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Moneys levied as compensation under this Act or 6 & 7 W. 4. c. 116. s. 106., or for extra police under Peace Preservation Act to be paid by occupiers of houses.

38. All moneys presented under the authority of the preceding section of this Act, or of section one hundred and six of the said Act passed in the session of Parliament held in the sixth and seventh years of the reign of His late Majesty King William the Fourth, chapter one hundred and sixteen, as compensation to witnesses, magistrates, or peace officers maimed, or to the personal representatives of such persons, where such persons have been murdered, shall be charged, applotted, and assessed only upon the dwelling houses within the district off which the same are under the authorities aforesaid respectively to be raised or levied according to the yearly value of such dwelling houses as ascertained for the purposes of grand jury cess, and all such moneys so assessed shall be paid and payable by such occupiers as aforesaid, and shall be levied from such occupiers in the same manner and by the same means in all respects as grand jury cess is now by law levied.

All moneys directed by the Lord Lieutenant to be levied off any district under the authority of the Peace Preservation Act shall be charged only upon the dwelling houses within such district, and shall be paid by the occupiers of such dwelling houses, and shall be levied from such occupiers in the same manner and by the same means in all respects as moneys now directed to be levied under the authority of the said Act.

Recovery of penalties.

39. Every penalty recoverable under the provisions of this Act shall be recoverable in a summary way, with respect to the police district of Dublin metropolis subject and according to the provisions of any Act regulating the powers and duties of justices of the peace for such district or of the police of such district, and with respect to other parts of Ireland, before a justice or justices of the peace sitting in petty sessions, subject and according to the provisions of The Petty Sessions (Ireland) Act, 1851, and any Act amending the same, and shall be applied according to the provisions of The Fines Act (Ireland), 1851, or any Act amending the same.

Declaration as to applicability of certain enactments.

40. It is hereby declared and enacted that the parts of Acts in the schedule (B.) to this Act annexed do not and shall not apply to any information filed in Her Majesty's Court of Queen's Bench at Dublin, or to any indictment found in or removed by the writ of Certiorari into the said Court, or to the trial of any issue joined on any such information or indictment; and it is hereby declared and enacted, that the term the "court house of any county" as used in section four of The Juries Act (Ireland), 1868, does and shall, so far as relates to the county of Dublin, include the Court of Queen's Bench, or any Court within the building known as the Four Courts at Dublin.

SCHEDULE (A.)

FORMS.

FORM (I.)

Summons to Witness.

The Queen *v.* persons unknown. } Petty Sessions District of
County of

WHEREAS it appears that (1)

(1) *Set out felony or misdemeanor.*

This is to command you to appear as a witness before me at on the day of at o'clock, then and there to be examined before me touching the premises

(Signed) Justice of said county.

This day of 187 .

To
of ,

FORM (II.)

Warrant to search.

Petty Sessions District of
County of

WHEREAS it appears on the oath of *A.B.* of *M.N.* there is reasonable cause to suspect that a threatening letter *or* notice (1) [*as the case may be*] was written by one *C.D.* of , and that there is to be found in the house *or* place [*as the case may be*] belonging to or under the control of the said *C.D.* [*as the case may be*] at (2) , some document or documents in the handwriting of the said *C.D.*

(1) *Set out particulars.*

(2) *State particulars of house or place.*

This is therefore to authorise and require you to enter into the said house *or* place [*as the case may be*], and to search for said document or documents, and to bring the same to me or some other justice.

(Signed) Justice of the said county.
This day of 187 .

To
of .

FORM (III.)

Conviction.

to wit. } BE it remembered, that on the day of in the year of our Lord , at in the said [county], *A.B.*, being charged before us the undersigned of Her Majesty's justices of the peace for the said [county], is convicted before us, for that [he the said *A.B., &c., stating the offence, and the time and place when and where committed*]; and we adjudge the said *A.B.* for his said offence to be imprisoned in the [gaol] at in the said [county], [and there be kept to hard labour] for the space of

Given under our hands and seals, the day and year first above mentioned, at in the [county] aforesaid.

J.S. (L.S.)
H.M. (L.S.)

FORM (IV.)

Certificate of Dismissal.

to wit. } WE of Her Majesty's justices of the peace for the [county] of certify, That on the day of in the year of our Lord at in the said [county] *A.B.* being charged before us, for that [he the said *A.B., stating the offence charged, and the time and place when and where alleged to be committed*], we did, having summarily adjudicated thereon, dismiss the said charge.

Given under our hands and seals, this day of at in the [county] aforesaid.

J.S. (L.S.)
H.M. (L.S.)

FORM (V.)

Suggestion.

In the Queen's Bench

day, the day of

The Queen v. } It is hereby directed by the Court that the issue [*or* issues] above joined shall be tried by a jury of the county of .

FORM (VI.)

Warrant to search for and seize Printing Presses, Newspapers, &c.

By the Lord Lieutenant General and General Governor of Ireland.

WHEREAS a certain newspaper, to wit (1)
contains (2)
This is to authorize and require you and your assistants to enter into (3) and to search for (4),
and to seize and take away all (5)
which you shall there find.

This day of 187 .

To ,
of .

(1) *State name of newspaper.*
(2) *Describe or state engraving, matter, expressions, or incitements on account of which search or seizure directed, or annex a copy of newspaper containing same.*
(3) *Describe premises.*
(4) *State articles to be searched for.*
(5) *State articles to be seized.*

SCHEDULE (B.)

PART I.

ENACTMENTS referred to in Section 23 of this Act.

15 & 16 Geo. 3. (Irish), c. 21. s. 2.
60 Geo. 3. & 1 Geo. 4. c. 1. s. 1.
Principal Act (11 & 12 Vict. c. 2.), ss. 9 and 12.
Section 6 of this Act.

PART II.

PARTS of ACTS referred to in Section 40 of this Act.

3 & 4 Will. 4. c. 91. ss. 12 and 19.
16 & 17 Vict. c. 113. ss. 109, 110, 111, and 112.

SCHEDULE (C.)

Defence in an Action under Section 30 of this Act.

A.B., Plaintiff. } Court of
C.D., Defendant. } day, the day of 187 .

The said *A.B.* appears and takes defence to the action of the said *C.D.*, and says, that the acts in the summons and plaint complained of were done under and by virtue of a certain warrant under the hand of the Lord Lieutenant of Ireland, bearing date the day of , and issued under the authority of Part III. of the Peace Preservation (Ireland) Act, 1870, in respect of a certain newspaper specified in such warrant, to wit (1) and which newspaper the defendant avers contained (2), the particulars of which are endorsed hereon, and therefore he defends the action.

(1) *State name of newspaper.*
(2) *State in terms of Act the nature of the matter on account of which warrant issued.*

Endorsement of Particulars.

[*Describe or state the engraving, matter, expressions, or incitements, as in Warrant.*]

Definition of Threatening Letter and Threatening Notice.

The terms "threatening letter" and "threatening notice" shall respectively mean and include any letter or notice written, posted, published, circulated, sent, delivered, or uttered contrary to the provisions of any of the enactments following; that is to say,

1 & 2 Will. 4. c. 44. s. 3.
24 & 25 Vict. c. 97. s. 50.
24 & 25 Vict. c. 100. s. 16.

Peace Preservation (Ireland).

A

BILL

To amend "The Peace Preservation (Ireland) Act, 1856," and for other purposes relating to the Preservation of Peace in Ireland.

(*Prepared and brought in by Mr. Chichester Fortescue, Mr. Secretary Bruce, and Mr. Solicitor General for Ireland.*)

Ordered, by The House of Commons, *to be Printed*, 17 *March* 1870.

[Bill 75.]

Under 3 *oz.*

Peace Preservation (Ireland) Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Clause

1. Short title.
2. Limitation of Act.
3. General definitions.

PART I.

AMENDMENT OF PEACE PRESERVATION ACT.

4. Special definitions.
5. Construction of Act.
6. Persons having game licences also to have licences to have and carry arms. Special licence to carry revolvers.
7. Punishment for carrying or having arms in proclaimed district.
8. 15 & 16 Geo. 3. c. 21. and 1 & 2 Will. 4. c. 44. to apply to proclaimed districts.
9. Repeal of 11 & 12 Vict. c. 2. s. 4.
10. Powers of persons acting under search warrants.
11. In proclaimed districts no dealer shall sell gunpowder but to a licensed dealer, or to a person licensed to keep arms.
12. In proclaimed districts arms to be sold, &c. only to persons licensed to have arms.
13. In proclaimed districts where felony committed justices may summon persons suspected of being capable of giving evidence in relation to such offence, and punish persons refusing to give evidence.
14. Persons charged with carrying or having arms may in certain cases be admitted to bail.
15. Power to issue warrant to search in proclaimed district for documents in handwriting of persons suspected of writing threatening letters.
16. CLAUSE A.—Repeal of provisions of Peace Preservation Act as to posting proclamations, &c.

Clause
17. Clause B.—Printed copies of every proclamation, &c. to be issued under Peace Preservation Act to be posted on or near door of one place of public worship in every parish, &c. in district.

PART II.

Special Proclamations.

18. Provisions of this part of this Act to apply to proclaimed districts when special proclamation issued by Lord Lieutenant.
19. Printed copies of every special proclamation to be posted.
20. Clause C.—Printed copies of every special proclamation to be posted, &c.
21. Production of Dublin Gazette containing publication of any special proclamation to be conclusive evidence of facts, &c.
22. Copy of special proclamation to be laid before Parliament.

Arrest of Persons out at Night under suspicious Circumstances.

23. Power to arrest persons in district specially proclaimed found out at night under suspicious circumstances.

Closing of Public Houses by order of Lord Lieutenant.

24. Power to Lord Lieutenant by order to close public houses in districts specially proclaimed.

Power to arrest Strangers.

25. Power to arrest strangers in district specially proclaimed.

Summary Proceedings in certain Cases.

26. Power to justices to punish persons charged with certain offences.
27. Persons accused may have assistance of counsel, &c.
28. Any metropolitan police magistrate or stipendiary magistrate may act alone.

Change of Venue.

29. Venue may be changed on suggestion of Attorney General.

PART III.

General Provisions.

Newspapers.

Clause
30. Newspapers containing treasonable or seditious matters, &c. forfeited to Her Majesty.
31. Power to Lord Lieutenant to issue warrant to search for and seize newspapers, printing presses, types, &c.
32. Power to enter premises to execute warrant.
33. Action in case of illegal search or seizure.
34. Term "newspaper."

Regulations as to Gunpowder and Fire-arms.

35. No person not licensed as a manufacturer shall sell gunpowder without a licence for that purpose.
36. Gunpowder makers and dealers, within thirty days after commencement of Act, and afterwards monthly, shall return account of their stock to chief officer of police, and keep books with accounts of sales, &c. to be inspected, and stock examined.
37. Monthly account of arms sold, &c. shall be kept.

Power to apprehend Witnesses absconding.

38. Power of apprehending absconding witnesses.

Power to Grand Jury to present Compensation in certain Cases.

39. Power to grand jury to present compensation to be paid in certain cases of murder or maiming.
40. Moneys levied as compensation under this Act or 6 & 7 W. 4. c. 116. s. 106., or for extra police under Peace Preservation Act, to be paid by occupiers of houses.
41. Recovery of penalties.
42. Declaration as to applicability of certain enactments.
Schedules.

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend "The Peace Preservation (Ireland) Act, 1856," and for other purposes relating to the Preservation of Peace in Ireland. A.D. 1870.

WHEREAS it is expedient to amend the "Peace Preservation (Ireland) Act, 1856," and to make further and better provisions for the protection of life and property in Ireland:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as "The Peace Preservation (Ireland) Act, 1870."

Limitation of Act.

2. This Act shall apply to Ireland only, and shall continue in operation until the first day of August one thousand eight hundred and seventy-one.

General definitions.

3. In this Act—

The term "Lord Lieutenant" shall mean the Lord Lieutenant and the Lords Justices or other chief governors or governor of Ireland for the time being:

The terms "chief secretary" and "under secretary" shall mean respectively the chief secretary and under secretary of the Lord Lieutenant of Ireland:

The term "chief officer of police" shall mean within the police district of Dublin metropolis, any one of the commissioners of police for the said district, and elsewhere any inspector, sub-inspector, head or other constable of the Royal Irish constabulary acting as chief officer of constabulary within any district or town:

The term "county" shall extend to and include county of a city, and county of a town, and a riding of a county:

The term "principal Act" shall mean the parts of the Act passed in the session of Parliament held in the eleventh and twelfth

A.D. 1870.

years of the reign of Her present Majesty, intituled "An Act for "the better prevention of crime and outrage in certain portions "of Ireland until the first day of December one thousand "eight hundred and forty-nine, and to the end of the then "next session of Parliament," which are continued by and are in force and operation under the Peace Preservation Act:

The term "Peace Preservation Act" shall mean "The Peace Preservation (Ireland) Act, 1856," and the Acts amending and continuing the same now in force.

The term "gunpowder" shall include gun-cotton and any other explosive matter used for the discharge of fire-arms.

The terms "constabulary" and "Royal Irish constabulary" in the Peace Preservation Act, and in this Act, shall respectively include "Dublin Metropolitan Police."

PART I.

Amendment of Peace Preservation Act.

Special definitions.

4. In Part I. and Part II. of this Act the terms following shall have the meanings herein-after assigned to them respectively:

The term "proclaimed district" shall mean any county, county of a city, county of a town, or any barony or baronies, half barony or half baronies, in any county at large, or any district of less extent, to which the provisions of The Peace Preservation Act are declared to apply by proclamation under the said Act, so long as such proclamation shall be in force:

The term "notice" shall mean any notice published under the provisions of section eleven of the principal Act, requiring persons in a proclaimed district to deposit arms at a place therein named:

The term "arms" shall include any cannon, gun, revolver, pistol, or other fire-arm, or any part or parts of any cannon, gun, revolver, pistol, or other fire-arm, or any sword, cutlass, pike or bayonet, or any bullets, gunpowder, or ammunition.

Construction of Act.

5. Part I. of this Act so far as is consistent with the tenor thereof shall be construed as one with the Peace Preservation Act.

Persons having game licences also to have licences to have and carry arms.

6. Notwithstanding anything in the principal Act it shall not be lawful for—

Any person, although duly licensed to kill game, to carry arms, or, after notice, to have arms, in any proclaimed district, unless such person shall also have a licence granted to him under the Peace Preservation Act to carry and have arms in such district, or in some other proclaimed district; or for—

Special licence to carry revolvers.

Any person (except justices of the peace, persons in Her Majesty's Naval or Military Service, or in the Coast Guard Service, or in the

service of the revenue, or in the police or Royal Irish constabulary, or special constables) to carry, or, after notice, to have any fire-arm of the description known as a revolver in any proclaimed district, although he shall have a licence granted to him under the Peace Preservation Act to carry and have arms within such district, unless such licence shall describe such fire-arm as a revolver and specially permit the carrying or having the same.

Punishment for carrying or having arms in proclaimed district.

7. So much of section two of the Peace Preservation Act as enacts that the punishment to which parties are liable, on conviction, under the ninth and twelfth sections of the principal Act shall thenceforth be reduced from imprisonment for any period not exceeding two years, with or without hard labour, to imprisonment for any period not exceeding one year, shall be and the same is hereby repealed.

Any person guilty of carrying or having arms contrary to the provisions of the said ninth and twelfth sections of the principal Act, or contrary to the provisions of the sixth section of this Act, or any of them, shall be liable on conviction thereof to be imprisoned, with or without hard labour, for any term not exceeding two years.

15 & 16 Geo. 3. c. 21. and 1 & 2 Will. 4. c. 44. to apply to proclaimed districts.

8. All the powers and provisions now in force of an Act passed in the Parliament of Ireland in the session of Parliament held in the fifteenth and sixteenth years of the reign of His late Majesty King George the Third, intituled "An "Act to prevent and punish tumultuous risings of persons within "this kingdom, and for other purposes therein mentioned," and also of another Act amending the same, passed in the Parliament of the United Kingdom in the second year of the reign of His late Majesty King William the Fourth, intituled "An Act to amend an "Act passed in the Parliament of Ireland in the fifteenth and "sixteenth years of the reign of His Majesty King George the "Third, intituled 'An Act to prevent and punish tumultuous risings "'of persons within this kingdom, and for other purposes therein "'mentioned,'" shall extend and apply to every proclaimed district, and upon any trial or proceeding under the said last recited Acts, or either of them, it shall not be necessary to prove that any such district was at the time of the commission of any offence or offences against the said last recited Acts, or either of them, in a state of public or general disturbance, or insurrectionary movement, or that any such offence or offences, or the circumstances attending the same, was or were of an insurrectionary nature or character: Provided always, that the court or judge before which or whom any person or persons shall be tried for any offence against the provisions of section two of the said Act of the fifteenth and sixteenth years of

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the reign of His late Majesty King George the Third, shall, where such offence has been committed at any time after sunset and before sunrise, or before the hour of six in the forenoon though the sun should be arisen, have power and authority to sentence such prisoner to penal servitude for any term not exceeding seven years.

Repeal of 11 & 12 Vict. c. 2. s. 4.

9. From and after the passing of this Act section fourteen of the principal Act shall be and the same is hereby repealed.

Powers of persons acting under search warrants.

10. It shall be lawful for any person to whom any warrant to search for and seize arms in any proclaimed district is directed, under the provisions of section thirteen of the principal Act, and for constables and other persons acting in their aid or assistance, within the space of three months next after the date of any such warrant, at such time and times and as often as they think fit to enter into any house or place, in order to execute such warrant, and in case admittance shall be refused to any such constables or persons as aforesaid, or shall not be obtained by them within a reasonable time after it has been first demanded, then to enter by force into such house or place in order to execute such warrant.

In proclaimed districts no dealer shall sell gunpowder but to a licensed dealer or to a person licensed to keep arms.

11. Every maker of or dealer in gunpowder, his agent or servant, shall, before selling or delivering any gunpowder to any person in any proclaimed district, require such person to produce a licence authorizing him to make, deal in, or sell gunpowder, or to have or carry arms, or in case such gunpowder shall be wanted for the purpose of mining or blasting, a certificate, under the hands of one or more justices of the peace, that such gunpowder is to be applied to such purpose, and in the case of gunpowder required for mining or blasting there shall be endorsed on such certificate by the person selling or delivering the same, the quantity so sold or delivered, and the time of sale, and such person shall sign his name thereto; and if any maker of or dealer in gunpowder, his agent or servant, shall sell or deliver any gunpowder to any person without the production of such a licence or certificate, or shall neglect to endorse on such certificate the quantity so sold or delivered and the time when, and to sign his name thereto, he shall for the first such offence be liable to a penalty not exceeding five pounds, and for any second offence he shall be liable to a further penalty not exceeding ten pounds.

In proclaimed districts arms to be sold, &c. only to persons licensed to have arms.

12. It shall not be lawful for any person in a proclaimed district to sell to, or to make, mend, repair, or keep for any person not duly licensed to have arms any gun, revolver, pistol, or other fire-arm, or any part thereof; and if any person shall sell, make, mend, repair, or keep any gun, revolver, pistol, or other fire-arm, or part thereof,

contrary to the provisions of this Act, every such offender shall be liable to a penalty not exceeding fifty pounds.

In proclaimed districts where felony committed justices may summon persons suspected of being capable of giving evidence in relation to such offence, and punish persons refusing to give evidence.

13. Where in any proclaimed district any felony, or misdemeanor shall be made to appear to have been committed, any justice of the peace in such district, although no person may be charged before him with the commission of such offence, shall have full power and authority to summon to the place where the petty sessions for the district in which said felony or misdemeanor has been committed are usually held, any person within his jurisdiction who, he shall have reason to believe, is capable of giving material evidence concerning any such felony or misdemeanor, and to examine such person on oath concerning any such felony or misdemeanor, and, if he shall see cause, to bind such person by recognizance to appear and give evidence at the next petty sessions, quarter sessions, or assizes. And in case any person who shall be summoned for that purpose shall neglect or refuse to appear or shall refuse to take such oath, or having taken such oath shall refuse to answer such questions concerning the said felony or misdemeanor as shall then be put to him, or shall refuse to enter into such recognizance, such person may be dealt with in the manner provided by section thirteen of The Petty Sessions (Ireland) Act, 1851, in the case of a witness to whom a summons was issued and who neglects or refuses to attend or who refuses to give evidence or be bound by recognizance so to do.

Every summons under this section may be in the Form (I.) in the Schedule (A.) to this Act annexed, or to the like effect.

Persons charged with carrying or having arms may in certain cases be admitted to bail.

14. Where any person in a proclaimed district shall be charged with any offence contrary to the provisions of sections nine and twelve of the principal Act, or of section six of this Act, or of any of them, the admission to bail of such person shall be subject to the like conditions as the admission to bail under section sixteen of The Petty Sessions (Ireland) Act, 1851, of persons charged with any of the offences specified in sub-section one of the said section.

Power to issue warrant to search in proclaimed district for documents in handwriting of persons suspected of writing threatening letters.

15. Whenever any information in writing and on oath is made before a justice that there is reasonable cause to suspect that any threatening letter or threatening notice, as the same is defined in the Schedule (C.) to this Act annexed, was written by any particular person, and that there is to be found in any house or other place belonging to or under the control of such person in a proclaimed district, any document or documents in his handwriting, it shall be lawful for such justice to issue a warrant to search such house or place for such document or documents; and every such warrant shall be in the Form (II.) in the Schedule (A.)

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to this Act annexed or to the like effect, and shall be directed to and executed by the like parties, and in like manner, and subject to the like conditions in every respect, so far as the same are applicable, as if the same were a warrant to search issued under "The Summary Jurisdiction (Ireland) Act, 1851."

Clause A. Repeal of provisions of Peace Preservation Act as to posting proclamations, &c.

16. From and after the passing of this Act, so much of the Peace Preservation Act as relates to the posting of proclamations, abstracts, and notices shall be and the same is hereby repealed.

Clause B. Printed copies of every proclamation, &c. to be issued under Peace Preservation Act to be posted on or near door of one place of public worship in every parish, &c. in district.

17. Printed copies of every proclamation, abstract, and notice under the provisions of the Peace Preservation Act shall be posted on, or near to, the door of one place of public worship, if there be such, in every parish, and of every police station and barrack within the district named in such proclamation, by some one or more of the constables or sub-constables of the Royal Irish constabulary; and after any constable or sub-constable has posted any such printed copies within such district, or any part thereof, he shall verify such posting by a solemn declaration annexed to a printed copy of such proclamation, abstract, or notice, to be made before a justice of the peace in the Form (IX.) specified in the Schedule (A.) to this Act annexed, or to the like effect; and such constable or sub-constable shall deposit such printed copy and declaration annexed thereto with the clerk of the peace for the county within which such district or any part thereof is situate or his deputy; and the said clerk of the peace or deputy shall sign and date the same, and shall preserve the same amongst the records of the said county; and the production from the custody of such clerk of the peace or deputy of the said printed copy of such proclamation, abstract, or notice and declaration annexed thereto, or of a copy of the same respectively, signed and certified as a true copy by such clerk of the peace or deputy, shall in all proceedings, and for all purposes whatsoever, be conclusive evidence that the said proclamation and abstract or notice were or was duly posted within the district or part of the district in said declaration mentioned.

PART II.

Special Proclamations.

Provisions of this part of this Act to apply to proclaimed districts

18. Whenever in the judgment of the Lord Lieutenant, by and with the advice of the Privy Council of Ireland, it is necessary for the better prevention of crime and outrage that the provisions of this part of this Act shall apply to any proclaimed district, it shall

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when special proclamation issued by Lord Lieutenant.

be lawful for the Lord Lieutenant, by and with the advice of the said Privy Council, to declare by proclamation, in this part of this Act called a special proclamation, to be published in the Dublin Gazette, that from and after a day to be named therein the provisions of this part of this Act shall be in force within the same; and thereupon such district shall be a district specially proclaimed within the meaning of this part of this Act: Provided always, that it shall be lawful for the Lord Lieutenant, by a new proclamation, to be made by and with the advice of the Privy Council of Ireland, to be published in the Dublin Gazette, to revoke any special proclamation issued under this part of this Act, as to the whole or any part of the district named in such special proclamation; and thereupon such special proclamation shall, from and after a day to be named in such new proclamation, stand and be revoked, so far as such new proclamation shall purport to revoke the same.

Printed copies of every special proclamation to be posted.

19. Printed copies of every special proclamation issued under the authority of this part of this Act shall be posted in the manner prescribed by the Peace Preservation Act, in relation to the posting of proclamations issued under the provisions thereof, and at the foot of every copy of any such special proclamation so posted as aforesaid an abstract of the provisions of this part of this Act shall be printed for the information of all persons affected by the said enactments.

Clause C. Printed copies of every special proclamation to be posted, &c.

20. Printed copies of every special proclamation issued under the authority of this part of this Act shall be posted on or near to the door of one place of public worship, if there be such, in every parish, and of every police station and barrack, within the district named in such special proclamation, by some one or more of the constables or sub-constables of the Royal Irish Constabulary, and at the foot of every copy of any such special proclamation so posted as aforesaid an abstract of the provisions of this part of this Act shall be printed for the information of all persons affected by the said enactments; and after any constable or sub-constable has posted any such printed copies within such district, or any part thereof, he shall verify such posting by a solemn declaration annexed to such printed copy of such special proclamation, to be made before a justice of the peace in the Form (X.) specified in the Schedule (A.) to this Act annexed, or to the like effect, and such constable or sub-constable shall deposit such printed copy and declaration annexed thereto with the clerk of the peace for the county within which such district or any part thereof is situate,

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or his deputy, and the said clerk of the peace or deputy shall sign and date the same, and shall preserve the same amongst the records of the said county, and the production from the custody of such clerk of the peace or deputy of the said printed copy of such special proclamation and declaration annexed thereto, or of a copy of the same respectively signed and certified as a true copy by such clerk of the peace or deputy, shall in all proceedings, and for all purposes whatsoever, be conclusive evidence that the said proclamation and abstract were duly posted within the district or part of the district in said declaration mentioned.

Production of Dublin Gazette containing publication of any special proclamation to be conclusive evidence of facts, &c.

21. The production of a printed copy of the Dublin Gazette, purporting to be printed and published by the Queen's authority, containing the publication of any special proclamation, under this part of this Act, shall be conclusive evidence of all such facts and circumstances as were or shall be necessary to authorize the issuing of any such special proclamation; and every such special proclamation shall be deemed and taken in all such courts respectively, to all intents and purposes whatsoever, to have been issued in conformity with this part of this Act.

Copy of special proclamation to be laid before Parliament.

22. A copy of every special proclamation issued under the authority of this Act shall be laid before each House of Parliament within fourteen days of the date of the same, if Parliament be then assembled, and if not then within fourteen days of the next subsequent meeting of Parliament.

Arrest of Persons out at Night under suspicious Circumstances.

Power to arrest persons in district specially proclaimed found out at night under suspicious circumstances.

23. It shall be lawful for any justice of the peace to arrest and bring before him, or cause to be arrested or brought before him, or for any constable, peace officer, or other person to arrest and bring before any justice of the peace any person who, within any district specially proclaimed and under suspicious circumstances, shall be in the fields, streets, highways, or elsewhere out of his dwelling or place of abode at any time from one hour after sunset until sunrise, and any such justice may order such person to be brought or appear before the justices of the peace assembled at the next petty sessions for the district in which such person was arrested, and may in the meantime commit such person to gaol or admit him to bail as to such justice shall seem fit, and the justices at such petty sessions assembled shall examine the person so brought or appearing before them, who shall in such case be a competent witness, and shall examine such other witnesses and receive such evidence as may be brought before them touching the charge, and

if upon such hearing the justices shall believe that such person was not out of his house upon some lawful occasion or business, such justices may commit him to gaol, there to be imprisoned with or without hard labour for any period not exceeding six calendar months.

Closing of Public Houses by order of Lord Lieutenant.

Power to Lord Lieutenant by order to close public-houses in districts specially proclaimed.

24. It shall be lawful for the Lord Lieutenant by order in writing, to be signed by the Chief or Under Secretary, whenever he thinks fit to direct that any person who keeps any house or place in any district specially proclaimed for the sale of wine, spirits, ale, beer, or cyder by retail, shall, during the period specified in such order, close such house or place at sunset or at such time after sunset as shall be specified in such order; and every such order shall be served upon the person to whom the same is directed by delivering to him a copy of such order, or if he cannot be conveniently met with by leaving such copy at the house or place to which such order relates; and any person upon whom such order shall be served, and who shall keep open such house or other place in violation of such order, shall on conviction be liable to a penalty not exceeding fifty pounds, and to imprisonment for any period not exceeding three calendar months.

Power to arrest Strangers.

Power to arrest strangers in district specially proclaimed.

25. It shall be lawful for any justice of the peace to arrest and bring before him, or cause to be arrested or brought before him, or for any constable, peace officer, or other person to arrest and bring before any justice of the peace, any stranger sojourning or wandering in any district specially proclaimed, and for such justice to examine him respecting his place of abode, the place from whence he came, his manner of livelihood, and his object or motive for remaining or coming into the county, city, or town in which he shall be found, and unless he shall answer to the satisfaction of such justice, or produce sufficient security for his good behaviour, such justice shall commit him to gaol, there to remain until he shall find such security as aforesaid, or until he shall be discharged by a justice of the peace: Provided always, that such justice shall, without delay, after such committal, transmit to the Lord Lieutenant, a true and faithful report of such committal, and the grounds and reasons thereof, the amount of bail required, with the examination of the prisoner, and the reasons alleged by him why he should not be committed; which such justice is required to take down in writing, in order that such person may be detained or discharged, as to the Lord Lieutenant may seem right.

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Summary Proceedings in certain Cases.

Power to justices to punish persons charged with certain offences.

26. When any person is charged in any district specially proclaimed before any justices of the peace assembled at petty sessions with any offence contrary to any of the enactments specified in Part I. of the schedule (B.) to this Act annexed, it shall be lawful for such justices, if they so think fit, to hear and determine the charge in a summary way, and if the person charged shall confess the same, or if such justices, after hearing the whole case for the prosecution and for the defence, shall find the charge to be proved, then it shall be lawful for such justices to convict the person charged, and commit him to gaol, there to be imprisoned, with or without hard labour, for any period not exceeding six calendar months; and if they find the offence not proved they shall dismiss the charge, and make out and deliver to the person charged a certificate under their hands, stating the fact of such dismissal; and every such conviction and certificate respectively may be in the Forms (III.) and (IV.) in the schedule (A.) to this Act annexed, or to the like effect: Provided that if such justices are of opinion that the charge, from any circumstances, should be made the subject of prosecution by indictment, rather than be disposed of summarily, such justices shall, instead of summarily adjudicating thereon, deal with the case in all respects as if this Act had not been passed. If upon the hearing of the charge such justices shall be of opinion that there are circumstances in the case which render it inexpedient to inflict any punishment, they shall have power to dismiss the person charged, without proceeding to a conviction.

Every person who obtains a certificate of dismissal or is convicted under this Act shall be released from all further or other criminal proceedings for the same cause.

Persons accused may have assistance of counsel, &c.

27. In every case of summary proceeding under this Act the person accused shall be allowed to make his full answer and defence, and to have all witnesses examined and cross-examined by counsel or attorney.

Any metropolitan police magistrate or stipendiary magistrate may act alone.

28. Any magistrate appointed to act at the police courts of the police district of Dublin metropolis, and sitting at a police court within the said district, or any stipendiary magistrate sitting in petty sessions, may do alone all acts by this part of this Act authorized to be done by justices of the peace at petty sessions.

Where any justices of the peace at petty sessions are by this part of this Act authorized to do any act, such act may be done by any two or more of such justices, provided always that one of such justices shall be a stipendiary magistrate.

Change of Venue.

Venue may be changed on suggestion of Attorney General.

29. Where any indictment found in any county specially proclaimed shall be removed by Certiorari into Her Majesty's Court of Queen's Bench at Dublin, and issue shall be joined on such indictment, the said court, in term time or in the vacation, shall, upon the application of Her Majesty's Attorney General for Ireland in that behalf, order a suggestion to be entered upon the record directing such issue to be tried in such county as the court shall name, and specified in such suggestion other than the county in which such indictment was found, and such suggestion may be in the form (V.) in the schedule (A.) to this Act annexed or to the like effect, and shall have the same force and effect as any suggestion by which if made on the record the issue joined on any such indictment might now by law be tried in a county other than the county in which such indictment was found, and thereupon all proceedings may be taken according to the practice of the said court for the trial of the person charged in such indictment, and such person may be tried, in the county in that behalf specified in such suggestion, and such proceedings and trial, and every verdict given at such trial, and any judgment thereon, shall be valid and effectual to all intents and purposes as if such person had been tried in the county in which the offence charged in such indictment was committed.

In case of any such indictment so removed as aforesaid the days or times allowed or required according to the practice of the court for appearing or pleading, or in any notice of motion or in any writ of Habeas corpus, or in or for any other step or proceeding relating to such indictment, shall run in vacation as well as in term time, and any order may be made in reference to such indictment or the proceedings thereon by the said Court of Queen's Bench, or by a judge thereof in vacation as well as in term time; and for the purposes of this section the said Court of Queen's Bench shall have power to sit in vacation.

PART III.

General Provisions.

Newspapers.

Newspapers containing treasonable or seditious matters, &c. forfeited to Her Majesty.

30. Where any newspaper printed or purporting to be printed in Ireland after the passing of this Act contains any treasonable or seditious engraving, matter, or expressions, or any incitements to the committing of any felony, or any engraving, matter, or expressions encouraging or propagating treason or sedition, or inciting

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to the commission of any felony, all printing presses, engines, machinery, types, implements, utensils, paper, and other plant and materials used or employed or intended to be used or employed in or for the purpose of printing or publishing such newspaper, or found in or about any premises where such newspaper is printed or published, and all copies of such newspaper, wherever found, shall be forfeited to Her Majesty.

Where after the passing of this Act any newspaper printed elsewhere than in Ireland is published or circulated in Ireland, and contains any such engraving, matter, expressions, or incitements as aforesaid, all copies of such newspaper, wherever found, shall be forfeited to Her Majesty.

Power to Lord Lieutenant to issue warrant to search for and seize newspapers, printing presses, types, &c.

31. Where it appears to the Lord Lieutenant that any such newspaper as aforesaid contains any such engraving, matter, expressions, or incitements, as aforesaid, he may, by warrant under his hand in the form (VI.) in the schedule (A.) to this Act annexed, or to the like effect, empower any person or persons to whom such warrant is addressed, or his or their assistants, to enter upon any premises where the newspaper specified in said warrant, and containing such engraving, matter, expressions, or incitements as aforesaid, is printed or published, or where any printing press, engine, machine, types, implements, utensils, paper, or other plant or materials used or employed or intended to be used or employed, or suspected to be or to have been used or employed, for the printing or publishing of such newspaper as aforesaid shall be, or shall be suspected to be, or where any copy of such newspaper as aforesaid is sold, distributed, or published, or suspected to be sold, distributed, or published, or kept or deposited for sale, distribution, or publication, or suspected to be kept or deposited for sale, distribution, or publication, and to search for, seize, and take away such printing presses, engines, machines, types, papers, implements, utensils, and plant, and every copy of such newspaper as aforesaid; and no action, save as herein-after mentioned, shall be brought or maintained against any person for the issuing of such warrant, or for any entry, search, or seizure, or other act, matter, or thing done in pursuance or under the authority of any such warrant as aforesaid.

Power to enter premises to execute warrant.

32. Where any person duly authorized by warrant, as aforesaid, to enter any premises, or his assistants, shall demand admittance, and give notice of such warrant, and the door of any house, room, shop, warehouse, outhouse, building, or other premises shall not be opened within reasonable time after the making of such demand, it shall be lawful for any such person, or his assistants, to break open

such door, and to enter thereat, for the purpose of making such search or seizure as aforesaid, and if any person shall refuse to permit any person duly authorized in that behalf, or his assistants, to enter such premises for the purpose of making any such search or seizure, or shall resist, obstruct, molest, prevent, or hinder any such person, or his assistants, as aforesaid, in the making of any such search, or in the seizing or taking away of any goods, chattels, articles, matters, and things which may be lawfully seized, or otherwise in the execution of any warrant under this Act, such person shall be deemed guilty of assaulting or wilfully resisting or obstructing a peace officer in the due execution of his duty, and on conviction shall be punished accordingly.

Action in case of illegal search or seizure.

33. Where any person, who but for the provisions of this part of this Act would be entitled to maintain an action for any search or seizure made under the authority of a warrant under this part of this Act, feels aggrieved by any search or seizure made under the authority of any such warrant, he may within two calendar months after such search or seizure commence an action in any of Her Majesty's Superior Courts of Common Law at Dublin against the person or persons to whom such warrant is addressed, or any of the assistants of such person or persons, and may claim damages on the ground that such search or seizure was illegal, because the newspaper specified in such warrant and in reference to which such search or seizure was made did not contain any engraving, matter, expressions, or incitements, by reason of which such newspaper was forfeited to Her Majesty under the provisions of this part of this Act, or because the chattels seized were not copies of such newspaper, or because the printing presses, engines, machinery, types, implements, utensils, paper, plant, and materials were not used or employed or intended to be used or employed or reasonably suspected to be or to have been used or employed or intended to be used or employed in or for the purpose of printing or publishing such newspaper, or because the chattels seized were not found in or about any premises where such newspaper as aforesaid was printed, published, sold, or distributed or kept or deposited for publication, sale, or distribution, or reasonably suspected to be published, sold, or distributed or kept for publication, sale, or distribution; and the defendant in such action may plead in defence to such action the defence in the schedule (C.) to this Act annexed, or a defence to the like effect; and such action shall, except as is herein specially provided, be prosecuted, tried, and determined in every respect as any other action of tort brought in any of the said superior courts; and any copy or copies of the

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said newspaper published before the search or seizure complained of may be given in evidence by the defendant in aid of the proof of the nature or tendency of the engraving, matter, expressions, or incitements used in the said newspaper, in reference to which the search or seizure complained of was made; and in the event of the jury finding that such newspaper did contain any such engraving, matter, expressions, or incitements as aforesaid, the defendant shall be entitled to a verdict, and to his costs of suit; and if they shall find that such newspaper did not contain any such engraving, matter, expressions, or incitements as aforesaid the plaintiff shall be entitled to a verdict, and after final judgment to such damages as may be lawfully awarded by the jury, together with his costs of suit according to the practice of the court applicable to such an action; and where any such judgment shall be given for the plaintiff, there shall be paid to the plaintiff out of moneys to be provided by Parliament the damages awarded him, together with his costs of suit.

Term "newspaper."

34. The term "newspaper" in this part of this Act shall include two or more copies of a newspaper bearing the same name, whether published on the same day or on different days, and shall also include any series of newspapers whether printed on one day or different days, or with one name or with different names.

Regulations as to Gunpowder and Fire-arms.

No person not licensed as a manufacturer shall sell gunpowder without a licence for that purpose.

35. It shall not be lawful for any person, not being duly licensed to manufacture gunpowder to deal in or sell gunpowder by retail or otherwise in Ireland, unless he shall have obtained a licence for that purpose from the Lord Lieutenant, or the chief or under secretary; and no such licence shall be granted without a certificate, under the hands and seals of two or more justices of the peace in petty sessions assembled for the district within which such person shall carry on such trade, that such person is a proper person to obtain the same, and that his stores are secure and fit for the purpose of keeping gunpowder; and any person who shall sell gunpowder, by retail or otherwise, without being licensed for that purpose, or without being licensed to manufacture gunpowder as aforesaid, shall for every such offence be liable to penalty not exceeding fifty pounds, and all gunpowder, and every cask or vessel in which the same shall be contained, found in the possession of, or in any house or other place belonging to such person, shall be forfeited to the use of Her Majesty.

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Gunpowder makers and dealers, within thirty days after commencement of Act, and afterwards monthly, shall return account of their stock to chief officer of police, and keep books with accounts of sales, &c., to be inspected and stock examined.

36. Every maker or manufacturer of gunpowder, and every person dealing in or selling the same, in Ireland, shall within thirty days after the passing of this Act return an account to the chief officer of police in the district in which he resides of all the stock of gunpowder then in his possession, describing the place or places where the same is kept, and the packages containing the same, and shall provide a book in which such quantity shall be entered, and shall from time to time, in the first week of every calendar month, make or cause to be made a like return and like entry; and every such maker or manufacturer or dealer in gunpowder, by wholesale or retail, shall also enter or cause to be entered in a separate book to be by him for that purpose provided, and distinguished by the name of "the book of sales," an account of every parcel of gunpowder sold or disposed of or delivered, with the time when and to whom; and it shall be lawful for any justice of the peace, or any chief officer of police, or any person duly authorized by such justice or officer, at all reasonable times to have access to such books, and to examine the stock of such maker or seller of gunpowder, and compare and balance the same with the account kept in such books; and the several chief officers of police (except the chief officers of police within the police district of Dublin metropolis), to whom such accounts and returns shall be rendered, shall, from time to time, transmit the same to the inspector general of constabulary in Ireland as they may be by him directed; and if any such maker or manufacturer of, or dealer in, gunpowder shall not make such returns, or shall not truly make the same, or shall not keep such books, or shall not truly make, or cause to be made, such entries therein, or shall not, after demand, produce such books to any person hereby or by the said persons duly authorized as aforesaid, or shall not permit any such person to inspect the same, or to examine his stock, he shall, for the first offence, be liable to a penalty not exceeding ten pounds, and for any subsequent offence shall be liable to a penalty not exceeding twenty pounds.

Monthly account of arms sold, &c. shall be kept.

37. Every person who shall make, repair, or sell any gun, pistol, revolver, or other fire-arm, or any part thereof, shall keep a book in which he shall enter or cause to be entered a monthly account of all such articles made, sold, or repaired by such person, and to or for whom and the respective times when the same were sold or repaired, and shall every month return a copy of such account to the chief officer of police in the district, and the chief officer of police of every district (except the police district of Dublin metropolis) shall transmit the same to the inspector general of

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constabulary in Ireland; and it shall be lawful for any justice of the peace, or chief officer of police, or any person duly authorized by such justice or officer, at all reasonable times, on demand, to have access to such book, to examine the same; and if any person licensed as last aforesaid, making, repairing, or selling any such article, shall not keep such book, or shall not truly enter or cause to be entered therein such account as aforesaid, or shall omit to make any such return as aforesaid, or shall not, after demand, produce such book to any person hereby or by the said persons duly authorized as aforesaid, or shall not permit such person to examine the same, he shall for the first offence be liable to a penalty not exceeding ten pounds, and for any subsequent offence be liable to a penalty not exceeding twenty pounds.

Power to apprehend Witnesses absconding.

Power of apprehending absconding witnesses.

38. Whenever any person shall be bound by recognizance to give evidence at any trial, or at the hearing of any charge, it shall be lawful for any justice, if he shall see fit, upon the application of any person, and upon information being made in writing, and on oath by such person that the person so bound to give evidence is about to abscond or has absconded, to issue his warrant for the arrest of such person so bound to give evidence, and afterwards, when such person has been arrested upon being satisfied that the ends of justice would otherwise be defeated, to commit such person when so arrested to gaol until such trial or hearing, or until he shall produce another sufficient surety or other sufficient sureties, as the case may be, in like manner as before.

Power to Grand Jury to present Compensation in certain Cases.

Power to grand jury to present compensation to be paid in certain cases of murder or maiming.

39. Where it shall appear that any person has been murdered, maimed, or otherwise injured in his person, and that such murder, maiming, or injury is a crime of the character commonly known as agrarian, or arising out of any illegal combination or conspiracy, it shall be lawful for the grand jury of the county within which such murder, maiming, or injury shall have been committed to present such sum or sums of money as they shall think just and reasonable to be paid to the personal representative of the person so murdered, or to the person so maimed or injured, having regard to the rank, degree, situation, and circumstances of such person; such money to be raised off the county at large or the barony or townland in which such murder or maiming shall respectively have been perpetrated, at the discretion of such grand jury; and every such presentment shall be made in the like manner, and shall, save as is

by this Act expressly provided, be subject to the like conditions as any presentment made under the authority of section one hundred and six of an Act passed in the session of Parliament held in the sixth and seventh years of the reign of His late Majesty King William the Fourth, chapter one hundred and sixteen, intituled "An Act to consolidate and amend the Laws relating to the pre-"sentment of public money by Grand Juries in Ireland."

Moneys levied as compensation under this Act or 6 & 7 W. 4. c. 116. s. 106., or for extra police under Peace Preservation Act to be paid by occupiers of houses.

40. All moneys presented under the authority of the preceding section of this Act, or of section one hundred and six of the said Act passed in the session of Parliament held in the sixth and seventh years of the reign of His late Majesty King William the Fourth, chapter one hundred and sixteen, as compensation to witnesses, magistrates, or peace officers maimed, or to the personal representatives of such persons, where such persons have been murdered, shall be charged, applotted, and assessed only upon the dwelling houses within the district off which the same are under the authorities aforesaid respectively to be raised or levied according to the yearly value of such dwelling houses as ascertained for the purposes of grand jury cess, and all such moneys so charged, applotted, and assessed shall be paid and payable by such occupiers as aforesaid, and shall be levied from such occupiers in the same manner and by the same means in all respects as grand jury cess is now by law levied.

Recovery of penalties.

41. Every penalty recoverable under the provisions of this Act shall be recoverable in a summary way, with respect to the police district of Dublin metropolis subject and according to the provisions of any Act regulating the powers and duties of justices of the peace for such district or of the police of such district, and with respect to other parts of Ireland, before a justice or justices of the peace sitting in petty sessions, subject and according to the provisions of The Petty Sessions (Ireland) Act, 1851, and any Act amending the same, and with the like right and power of appeal as in the said Act is given and provided for, and shall be applied according to the provisions of The Fines Act (Ireland), 1851, or any Act amending the same.

Declaration as to applicability of certain enactments.

42. It is hereby declared and enacted that the parts of Acts in Part II. of the Schedule (B.) to this Act annexed do not and shall not apply to any information filed in Her Majesty's Court of Queen's Bench at Dublin, or to any indictment found in or removed by the writ of Certiorari into the said Court, or to the trial of any issue joined on any such information or indictment; and it is hereby

A.D. 1870. declared and enacted, that the term the "court house of any county" as used in section four of The Juries Act (Ireland), 1868, does and shall, so far as relates to the county of Dublin, include the Court of Queen's Bench, or any Court within the building known as the Four Courts at Dublin.

SCHEDULE (A.)

FORMS.

Form (I.)

Summons to Witness.

The Queen *v.* persons unknown. } Petty Sessions District of County of

Whereas it appears that (1)

(1) *Set out felony or misdemeanor.*

This is to command you to appear as a witness before me at on the day of at o'clock, then and there to be examined before me touching the premises

(Signed) Justice of said county.

This day of 187 .

To

of

Form (II.)

Warrant to search.

Petty Sessions District of
County of

Whereas it appears on the oath of *A.B.* of *M.N.* there is reasonable cause to suspect that a threatening letter *or* notice (1) [*as the case may be*] was written by one *C.D.* of , and that there is to be found in the house *or* place [*as the case may be*] belonging to or under the control of the said *C.D.* [*as the case may be*] at (2) , some document or documents in the handwriting of the said *C.D.*

(1) *Set out particulars.*

(2) *State particulars of house or place.*

This is therefore to authorise and require you to enter into the said house *or* place [*as the case may be*], and to search for said document or documents, and to bring the same to me or some other justice.

(Signed) Justice of the said county.
This day of 187 .

To
of .

Form (III.)

Conviction.

to wit. } Be it remembered, that on the day of in the year of our Lord , at in the said [county], *A.B.*, being charged before us the undersigned of Her Majesty's justices of the peace for the said [county], is convicted before us, for that [he the said *A.B., &c., stating the offence, and the time and place when and where committed*]; and we adjudge the said *A.B.* for his said offence to be imprisoned in the [gaol] at in the said [county], [and there be kept to hard labour] for the space of

Given under our hands and seals, the day and year first above mentioned, at in the [county] aforesaid.

J.S. (L.S.)
H.M. (L.S.)

Form (IV.)

Certificate of Dismissal.

to wit. } We of Her Majesty's justices of the peace for the [county] of certify, That on the day of in the year of our Lord at in the said [county] *A.B.* being charged before us, for that [he the said *A.B., stating the offence charged, and the time and place when and where alleged to be committed*], we did, having summarily adjudicated thereon, dismiss the said charge.

Given under our hands and seals, this day of at in the [county] aforesaid.

J.S. (L.S.)
H.M. (L.S.)

Form (V.)

Suggestion.

In the Queen's Bench

day, the day of

The Queen *v.* } It is hereby directed by the Court that the issue [*or* issues] above joined shall be tried by a jury of the county of .

Form (VI.)

Warrant to search for and seize Printing Presses, Newspapers, &c.

By the Lord Lieutenant General and General Governor of Ireland.

Whereas a certain newspaper, to wit (1) contains (2)

This is to authorize and require you and your assistants to enter into (3) and to search for (4),

and to seize and take away all (5)

which you shall there find.

This day of 187 .

To ,

of .

(1) *State name of newspaper.*
(2) *Describe or state engraving, matter, expressions, or incitements on account of which search or seizure directed.*
(3) *Describe premises.*
(4) *State articles to be searched for.*
(5) *State articles to be seized.*

Form (VII.)

Posting of Proclamations, &c.

Form of Solemn Declaration.

I, *A.B.* (constable or sub-constable) do solemnly and sincerely declare, that on the day of and [*here insert the dates*] I posted on or near to the doors of one place of public worship [*if there be such*] of every parish and of every police station and barrack within that part of the district named or referred to in the annexed (proclamation or notice), known and called by the name of [*here insert name of barony, half-barony, townland, &c.*], true copies of the annexed (proclamation or notice and abstract); and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act passed in the sixth year of the reign of his Majesty King

William the Fourth, chapter sixty-two, for the abolition of unnecessary oaths.

(Signed) *A.B.*

Made and subscribed before me this day of in the year 187 .

(Signed) *C.D.*, Justice of the Peace.

Form (VIII.)

Posting of Special Proclamation.

Form of Solemn Declaration.

I, *A.B.* (constable or sub-constable) do solemnly and sincerely declare, that on the day of and [*here insert the dates*] I posted on or near to the doors of one place of public worship [*if there be such*] of every parish, and of every police station and barrack within that part of the district named or referred to in the annexed (special proclamation), known and called by the name of [*here insert name of barony, half-barony, townland, &c.*], true copies of the annexed (proclamation and abstract); and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act passed in the sixth year of the reign of His Majesty King William the Fourth, chapter sixty-two, for the abolition of unnecessary oaths.

(Signed) *A.B.*

Made and subscribed before me this day of in the year 187 .

(Signed) *C.D.*, Justice of the Peace.

SCHEDULE (B.)

Part I.

Enactments referred to in Section 23 of this Act.

15 & 16 Geo. 3. (Irish), c. 21. s. 2.
60 Geo. 3. & 1 Geo. 4. c. 1. s. 1.
Principal Act (11 & 12 Vict. c. 2.), ss. 9 and 12.
Section 6 of this Act.

Part II.

Parts of Acts referred to in Section 40 of this Act.

3 & 4 Will. 4. c. 91. ss. 12 and 19.
16 & 17 Vict. c. 113. ss. 109, 110, 111, and 112.

SCHEDULE (C.)

Defence in an Action under Section 30 of this Act.

A.B., Plaintiff. }
C.D., Defendant. } Court of
day, the day of 187 .

The said *A.B.* appears and takes defence to the action of the said *C.D.*, and says, that the acts in the summons and plaint complained of were done under and by virtue of a certain warrant under the hand of the Lord Lieutenant of Ireland, bearing date the day of , and issued under the authority of Part III. of the Peace Preservation (Ireland) Act, 1870, in respect of a certain newspaper specified in such warrant, to wit (1) and which newspaper the defendant avers contained (2), the particulars of which are endorsed hereon, and the defendant says that the chattels signed were (3), and therefore he defends the action.

(1) *State name of newspaper.*
(2) *State in terms of Act the nature of the matter on account of which warrant issued.*
(3) *State in terms of Act, e. gr., copies of such newspaper or printing presses, &c. (as the case may be) used or employed, or intended to be used or employed, or reasonably suspected to be or to have been used or employed (according to the alleged facts), or found in or about certain premises (to wit) where such newspaper was printed or published or sold (as the case may be).*

Endorsement of Particulars.

[*Describe or state the engraving, matter, expressions, or incitements, as in Warrant.*]

Definition of Threatening Letter and Threatening Notice.

The terms "threatening letter" and "threatening notice" shall respectively mean and include any letter or notice written, posted, published, circulated, sent, delivered, or uttered contrary to the provisions of any of the enactments following; that is to say,

1 & 2 Will. 4. c. 44. s. 3.
24 & 25 Vict. c. 97. s. 50.
24 & 25 Vict. c. 100. s. 16.

(Ireland).

A

BILL

[AS AMENDED IN COMMITTEE]

To amend "The Peace Preservation (Ireland) Act, 1856," and for other purposes relating to the Preservation of Peace in Ireland.

(*Prepared and brought in by Mr. Chichester Fortescue, Mr. Secretary Bruce, and Mr. Solicitor General for Ireland.*)

Ordered, by The House of Commons, *to be Printed*, 25 *March* 1870.

[Bill 88.]

Under 3 *oz.*

LORDS AMENDMENTS

TO

THE PEACE PRESERVATION (IRELAND) BILL.

Note.—*The page and line refer to the Bill* (53.) *as first printed by the Lords.*

Clause 3, page 1, line 27, after ("riding of a county") insert ("and a borough:

The term 'grand jury' shall include every corporation, committee, council, and body authorized to make presentments:

The term 'secretary to the grand jury' shall include town clerk:

The term 'assizes' shall include presenting term:

The term 'judge of assize,' in the application of this Act to the county or county of the city of Dublin, shall include the Court of Queen's Bench at Dublin or any Judge of the said Court:

The term 'Petty Sessions' shall include a Divisional Police Office of Dublin Metropolis")

page 2, line 14, at end add

("The terms 'threatening letter' and 'threatening notice' shall respectively mean and include any letter or notice written, posted, published, circulated, sent, delivered, or uttered contrary to the provisions of any of the enactments following; that is to say,

1 & 2 Will. 4. c. 44. s. 3.

24 & 25 Vict. c. 97. s. 50.

24 & 25 Vict. c. 100. s. 16.")

Clause 11, page 4, line 21, before ("in") insert ("(except justices "of the peace, persons in Her Majesty's naval or military service, "or in the coast guard service, or in the service of the revenue, or "in the police or Royal Irish Constabulary, or special constables)")

Clause 12, page 4, line 39, after ("person") insert ("(except "justices of the peace, persons in Her Majesty's naval or military "service, or in the coast guard service, or in the service of the "revenue, or in the police or Royal Irish Constabulary, or special "constables)")

Clause 13, page 5, line 3, after ("district") insert ("it shall "appear that")

line 4, leave out ("shall be made to appear "to have been") and insert ("was")

line 7, before ("place") insert ("police office "or to the")

Clause 15, page 5, lines 35 and 36, leave out ("as the same is "defined in the Schedule (C.) to this Act annexed")

line 37, leave out ("particular")

Clause 17, page 6, line 18, after ("proclamation") insert ("and")

line 27, after ("proclamation") insert ("and")

CLAUSE A. Lord Lieutenant may by notice revoke licences to have or carry arms in a specially proclaimed district.

After clause 18 insert clause A.:

It shall be lawful for the Lord Lieutenant, by notice in writing, to be signed by the Chief or Under Secretary and to be published in the Dublin Gazette, at any time or times to revoke all licences granted under the Peace Preservation Act to have or carry arms in any district specially proclaimed, and thereupon all such licences shall stand revoked, and shall be null and void to all intents and purposes.

Every such last-mentioned notice shall require every person to whom any licence thereby revoked was granted, and to whom a new licence shall not be granted under the said Peace Preservation Act, to deposit and leave on or before a day to be named in such notice, at a place or places to be named in such notice, or at the nearest police station or barrack, the arms for the having or carrying of which such revoked licence was granted; and such arms shall be kept, detained, and dealt with in the manner prescribed by section 11 of the principal Act in reference to arms deposited and left as therein mentioned.

Every person to whom any licence so revoked was granted, and to whom a new licence as aforesaid has not been granted, and who shall after the day named in such notice as aforesaid carry or have arms within such district, shall be guilty of carrying or having arms contrary to the provisions of the principal Act; provided always, that no person carrying any arms for the purpose only of depositing and leaving the same as herein-before mentioned, shall by reason thereof be deemed or taken to be a person carrying or having any arms contrary to the provisions of the principal Act.

Clause 19, page 7, line 17, leave out ("issued") and insert ("or "notice")

line 29, after ("proclamation") insert ("and "abstract or notice")

line 39, after ("proclamation") insert ("and "abstract or notice")

page 8, line 1, after ("abstract") insert ("or notice")

Clause 23, page 9, line 1, after ("who") insert ("in any district "specially proclaimed")

lines 1 and 2, leave out ("in any district "specially proclaimed")

Clause 29, page 12, line 3, leave out ("the") and insert ("his"), and after ("or") insert ("any")

lines 4 to 9, leave out from ("upwards") in line 4 to ("provided") in line 9.

line 10, leave out ("as last aforesaid")

line 11, after ("then") insert ("such service "may be effected")

line 40, leave out ("weekly") and after ("paper") insert ("published at intervals of not less than a "week")

page 13, line 12, after ("found") insert ("in "Ireland")

line 13, after ("Majesty") add ("Where "after the passing of this Act any newspaper printed elsewhere "than in Ireland is published or circulated in Ireland, and contains "any such engraving, matter, expressions, or incitements as afore-"said, all copies of such newspaper, wherever found in Ireland, "shall be forfeited to Her Majesty")

Clause 30, page 13, line 15, after ("paper") insert ("after the "publication and service of such notice, where such publication "and service shall by this part of this Act be required, or that any "such newspaper printed elsewhere than in Ireland and published "or circulated in Ireland")

Clause 32, page 14, line 30, after ("because") insert ("a notice "was not published or served according to the provisions of this "part of this Act, or because")

page 15, line 15, after ("finding") insert ("that such "notice was duly published and served as aforesaid, or")

line 17, after ("aforesaid") insert ("or that "the chattels seized were copies of such newspaper, or that the "printing presses, engines, machinery, types, implements, utensils,

" paper, plant, and materials were used or employed, or intended " to be used or employed, or reasonably suspected to be or to have " been used or employed, or intended to be used or employed, in or " for the purpose of printing or publishing such newspaper, or that " the chattels seized were found in or about any premises where " such newspaper as aforesaid was printed, published, sold, or " distributed, or kept or deposited for publication, sale, or distribu- " tion, or reasonably suspected to be published, sold, or distributed, " or kept for publication, sale, or distribution ")

Clause 32, page 15, line 18, after (" that ") insert (" such notice " was not duly published and served as aforesaid, or that ") .

Clause 34, page 16, line 14, before (" penalty ") insert (" a ")

Clause 36, page 17, line 23, leave out (" licensed as last afore- " said ")

Clause 38, page 18, line 18, after (" made ") insert (" and " levied ")

pages 18 and 19, leave out all words after (" men- " tioned ") in line 27, page 18, to (" opinion ") in line 30, page 19, and insert:

(" Where any moneys are presented in respect of any case of murder as aforesaid, the grand jury may, by such presentment, direct the sum presented to be divided amongst and paid to such one or more or all of the next of kin of the person murdered, and in such shares and proportions as to such grand jury shall seem fit.

Applications for presentments under the authority of this section may be made by the personal representative or any one or more of the next of kin of any person murdered, or by any persons maimed or injured, or by the Crown solicitor of the county, or by any person authorized in that behalf by the Lord Lieutenant; and every such application shall be made in manner following; that is to say,

Fourteen days at least previous to the first day of the assizes at which such application is intended to be made a notice in writing, stating the intention to make such application as aforesaid, the nature of the offence in reference to which the application is to be made, and the loss or damage sustained by reason of such offence, and the amount claimed, shall be served upon two justices of the peace resident in, or upon two of the principal inhabitants in, the Petty Sessions District in which such offence was committed;

And where such offence was committed in any barony, upon the high constable of such barony.

A copy of such notice shall, fourteen days at least previous to the first day of such assizes, be published in the newspaper in which grand jury notices for the county are published, and shall be posted on or adjacent to the door of every police barrack within such barony or parish where such parish is not in any barony.

A copy of such notice shall, ten days previous to the first day of such assizes, be lodged with the secretary of the grand jury, and such application shall thereupon be scheduled by the said secretary.

The grand jury shall, during the time appointed for transacting the fiscal business of the county, examine into the matter of such application, upon such evidence as may be produced, and shall either disallow such application, or present such sum or sums of money in manner by this section authorized.

In case such grand jury shall disallow such application, or in case the person making such application, or any person interested therein (herein-after called the applicant), is dissatisfied with the amount presented, or in case any person chargeable with any of the moneys presented in manner aforesaid (herein-after called the ratepayer) is desirous of opposing such presentment, such applicant or ratepayer may appeal to the judge of assize.

The said judge shall examine into the matter of such application or presentment, and the grounds and reasons for disallowing or making the same respectively. If the grand jury has disallowed such application, and the judge shall be of opinion that the same should have been disallowed, he shall disallow the same; but if he shall be of opinion that such application should have been allowed in whole or in part, and that a presentment should have been made thereon, he shall make an order directing such sum or sums of money as he shall think fit to be paid to such personal representative or to one or some or all of the next of kin of the person murdered, and in such shares and proportions as he shall think right, or to the person maimed or injured, as the case may be; and to be levied off such county at large, barony, half barony, or other district, as he may think just; and every such order shall have the force of a presentment, and the sum or sums therein mentioned shall be applotted and raised and levied accordingly as if the same had been inserted in a presentment duly made by the grand jury under the authority of this section.

If the grand jury has made any such presentment the judge may on such appeal affirm or disallow the same, or may alter or vary the same by increasing or diminishing the amount of money presented, or by changing the distribution of such money, or by increasing or diminishing the district off which the same is to be levied.

Every presentment so affirmed shall be valid to all intents and purposes.

Every presentment so disallowed shall be null and void.

Every presentment so altered or varied shall be valid and effectual to all intents and purposes as if the same had been originally made by the grand jury in such altered or varied form under the authority of this section. Where any person, to whom any moneys presented under the authority of this section are payable, refuses to accept the same, then such moneys shall be applied for the purpose of public works within such county in such manner as the Lord Lieutenant shall direct.

When the judge shall on cause shown think fit to do so he may postpone the hearing of any appeal under the provisions of this section to the next ensuing assizes, and the judge at such next assizes shall have the same power, authority, and jurisdiction in reference to such appeal as if the same had originally come before him under the provision of this section.

Where the judge shall be of")

Page 19. Omit Clause 39.

Schedule (A.), Form VII., page 23, line 33, after ("proclama-" tion") insert ("and abstract")

line 34, leave out ("and ab-" stract")

Form VIII., page 24, line 15, after ("proclamation") insert ("or notice")

line 17, after ("abstract") insert ("or notice")

Form IX., page 24, line 27, leave out ("29") and insert ("30")

lines 32 and 33, leave out ("that " is, incitements to the commission of a felony")

line 36, leave out ("29") and insert ("30")

Form X., page 29, line 2, leave out ("29") and insert ("30")

Schedule (B.), line 17, leave out ("25") and insert ("26")

Schedule (C.), line 27, leave out ("32") and insert ("33")

line 31, after ("that") insert ("notice respecting " the said [*state name of newspaper*] was duly published and served " in accordance with the provisions of Part III. of the Peace " Preservation (Ireland) Act, 1870, and the defendant says that")

page 26, line 8, leave out from ("warrant") to the end of the Schedule.

LORDS AMENDMENTS

TO

THE PEACE PRESERVATION (IRELAND) BILL.

Ordered, by The House of Commons, *to be Printed*,
31 *March* 1870.

[Bill 92.]

Under 1 *oz.*

715

Pedlars Certificates Bill.

ARRANGEMENT OF CLAUSES.

Preliminary.

Clause.
1. Short title.
2. Commencement of Act.
3. Interpretation of certain terms in the Act:
"Pedlar;"
"Police District;"
"Chief Officer of Police;"
"Court."

Certificates to be obtained by Pedlars.

4. No one to act as a pedlar without certificate.
5. Grant of certificate.
6. Effect of certificate.
7. Change of residence of pedlar.
8. Certificate to be extended by indorsement to other districts than that for which it was granted.
9. Register of certificates to be kept in each district.
10. Forms of application to be kept at chief police office.
11. Certificate not to be assigned.
12. Certificate not to be borrowed.
13. Penalty for forging certificate.
14. Certificate not to be granted to certain persons.
15. Convictions to be indorsed on certificate.
16. Court empowered to deprive pedlar of certificate.

Duties of Pedlars.

17. Pedlar to show certificate to certain persons on demand.
18. Police empowered to inspect pedlar's pack.

Temporary Provisions.

19. Licenses granted before Act to remain in force.

Summary Proceedings for Offences.

Clause.
20. Summary proceedings for offences.
21. Application of fees.

Saving.

22. Certificate not required by commercial travellers. Sellers of fish. Sellers in fairs.
23. Hawker's license not required by pedlar.

SCHEDULE.

A

B I L L

FOR

Granting Certificates to Pedlars.

A.D. 1870.

WHEREAS it is expedient to amend the law relating to pedlars:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited as The Pedlars Act, 1870. Short title.

2. This Act shall not come into operation until the *first day of January one thousand eight hundred and seventy*, which date is in this Act referred to as the commencement of this Act. Commencement of Act.

3. In this Act, if not inconsistent with the context, the following terms have the meanings herein-after respectively assigned to them; that is to say, Interpretation of certain terms in the Act.

The term "pedlar" means any hawker, pedlar, petty chapman, tinker, caster of metals, mender of chairs, or other person who, without any horse or other beast bearing or drawing burden, travels and trades on foot and goes from town to town or to other men's houses, carrying to sell or exposing for sale any goods, wares, or merchandise, or procuring orders for goods, wares, or merchandise immediately to be delivered, or selling or offering for sale his skill in handicraft: "Pedlar:"

The term "police district" means— "Police district:"

(1.) The city of London and the liberties thereof:

(2.) The metropolitan police district:

(3.) Any county, riding, part, division, or liberty of a county, borough, city, town, place, or union, or combination of places maintaining a separate police force.

A.D. 1870.

"Chief officer of police:"

The term "chief officer of police" means—

(1.) In the city of London and the liberties thereof the commissioner of city police:

(2.) In the metropolitan police district, the commissioner of metropolitan police:

(3.) Elsewhere the chief constable, or head constable, or other officer, by whatever name called, having the chief command of the police in the police district in reference to which such expression occurs:

Any act or thing by this Act authorised to be done by the chief officer of police may be done by any person authorised by him in that behalf.

"Court."

The term "court" includes the justice or justices, magistrate or magistrates, to whom jurisdiction is given by this Act.

Certificates to be obtained by Pedlars.

No one to act as a pedlar without certificate.

4. After the *commencement of this Act* no person shall act as a pedlar without such certificate as in this Act mentioned, or in any district where he is not authorised by his certificate so to act.

Any person who—

1. Acts as a pedlar without having obtained a certificate under this Act authorising him so to act:
2. Acts as a pedlar in any district in which he is not authorised so to act by a certificate granted under this Act:

Shall be liable for a first offence to a penalty not exceeding *ten shillings*, and for any subsequent offence to a penalty not exceeding *one pound*.

Grant of certificate.

5. The following regulations shall be made with respect to the grant of pedlars certificates:

1. Subject as in this Act mentioned a pedlar's certificate shall be granted to any person by the chief officer of police of the police district in which the person applying for a certificate resides, on such officer being satisfied that the applicant is a person of good character:
2. An application for a pedlar's certificate shall be in the form specified in the schedule to this Act, or as near thereto as circumstances admit:
3. There shall be paid for a pedlar's certificate previously to the delivery thereof to the applicant a sum not exceeding *sixpence:*
4. A pedlar's certificate shall be in the form specified in the schedule hereto, or as near thereto as circumstances admit:

A.D. 1870.

5. A pedlar's certificate shall remain in force for one year from the date of the issue thereof and no longer:

6. On the delivery up of the old certificate or on sufficient evidence being produced to the satisfaction of the chief officer of police that the old certificate has been lost, that officer may either at the expiration of the current year, or during the currency of any year, grant a new certificate in the same manner as upon a first application for a pedlar's certificate.

Effect of certificate.

6. A pedlar's certificate granted under this Act shall, during the time for which it continues in force, authorise the person to whom it is granted to act as a pedlar, within the police district in which such pedlar resides and the certificate is taken out.

Change of residence of pedlar.

7. If any pedlar during the currency of his certificate goes to reside in any other district than that for which his certificate is granted, his certificate shall thereupon be void in the same manner as if the year for which it was granted had determined.

Certificate to be extended by indorsement to other districts than that for which it was granted.

8. Any pedlar who, having obtained a pedlar's certificate, desires to act as a pedlar in any other police district than that in which he resides, may, while his certificate remains in force, apply to the chief officer of police of such other district to indorse his certificate, and such officer may, if he sees fit, on payment by the pedlar of a fee not exceeding sixpence, indorse such certificate, and such indorsed certificate shall, while it continues in force, authorise the pedlar to act as a pedlar in such other district, and have in all respects the same effect as a certificate granted under this Act by an officer of such district to a person resident therein would have.

The indorsement shall be in the form specified in the schedule to this Act, or as near thereto as circumstances admit.

Register of certificates to be kept in each district.

9. There shall be kept in each police district a register of the certificates and of the indorsement of certificates granted and made in such district under this Act, in such form and with such particulars as may from time to time be directed by one of Her Majesty's Principal Secretaries of State.

The entries in such register shall be evidence in any court of law of the facts stated therein.

Forms of application to be kept at chief police office.

10. Forms of application for certificates shall be kept at the chief police office of every police district, and shall be given gratis to any person applying for the same.

Certificate not to be assigned.

11. A person to whom a pedlar's certificate is granted under this Act shall not lend, transfer, or assign the same to any other

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person, and any person who lends, transfers, or assigns such certificate to any other person shall for each offence be liable to a penalty not exceeding *twenty shillings.*

Certificate not to be borrowed.

12. No person shall borrow or make use of a pedlar's certificate granted to any other person, and any person who borrows or makes use of such certificate shall for each offence be liable to a penalty not exceeding *twenty shillings.*

Penalty for forging certificate.

13. Any person who commits any of the following offences; (that is to say,)

1. Makes false representations with a view to obtain a pedlar's certificate under this Act:
2. Forges or counterfeits a pedlar's certificate granted under this Act:
3. Forges or counterfeits an indorsement made under this Act on such a certificate:
4. Aids in making or procures to be made such forged or counterfeited certificate or indorsement:
5. Travels with, produces, or shows any such forged or counterfeited certificate or indorsement:

Shall for the first offence be liable to a penalty not exceeding *two pounds*, and for any subsequent offence, either instead of or in addition to such penalty, to be imprisoned for any term not exceeding *six months* with or without hard labour.

Certificate not to be granted to certain persons.

14. No certificate under this Act shall be granted to any of the following persons:

1. Any person of less than *twenty-one* years of age: or
2. Any person convicted of felony or of any misdemeanor involving dishonesty.

Convictions to be indorsed on certificate.

15. If any pedlar is convicted of any offence under this Act, the court before which he is convicted shall indorse or cause to be indorsed thereon a record of such conviction.

The indorsements made under this Act on a pedlar's certificate shall be evidence in any court of law of the facts stated therein.

Court empowered to deprive pedlar of certificate.

16. Any Court before which any pedlar is convicted of any offence whether under this or any other Act, may, if he or they think fit, deprive such pedlar of his certificate.

Duties of Pedlars.

Pedlar to show certificate to certain persons on demand.

17. Any pedlar shall at all times on demand produce and show his certificate to any of the following persons; (that is to say,)

1. Any justice of the peace: or

2. Any constable or officer of police: or
3. Any person to whom such pedlar offers his goods for sale: or
4. Any person in whose private grounds such pedlar is found:

And any pedlar who refuses on demand to show his certificate to any of the persons hereby authorised to demand it, shall for each offence be liable to a penalty not exceeding *five shillings*.

Police empowered to inspect pedlar's pack.

18. It shall be lawful for any constable or officer of police at any time to open and inspect any pack, box, bag, trunk, or case in which a pedlar carries his goods, wares, and merchandise, and any pedlar who refuses to allow such constable or officer to open or inspect such pack, box, bag, trunk, or case, or prevents or attempts to prevent him from opening or inspecting the same, shall be liable for each offence to a penalty not exceeding *twenty shillings*.

Temporary Provisions.

Licenses granted before Act to remain in force.

19. Any license to act as a hawker granted to any person before the commencement of this Act shall, notwithstanding the passing of this Act, continue in force till the date at which such license expires, and no person acting or trading as a hawker under such license shall during the time for which such license continues in force be required to obtain a pedlar's certificate under this Act, or be liable to any penalty for trading or acting as a pedlar without having obtained a certificate under this Act.

Summary Proceedings for Offences.

Summary proceedings for offences.

20. Any penalty under this Act may be recovered as follows:

In England, before two justices of the peace in manner directed by the Act of the eleventh and twelfth years of the reign of Her present Majesty, intituled "An Act to facilitate the "performance of the duties of justices of the peace out of "sessions within England and Wales with respect to summary "convictions and orders," and any Act amending the same:

In Scotland, in manner directed by the "Summary Procedure Act, 1864:"

In Dublin, in manner directed by the Acts regulating the powers of justices of the peace, or of the police of Dublin metropolis, and in all other parts of Ireland by the "Petty Sessions, Ireland, Act, 1851."

Application of fees.

21. All fees received under this Act shall be applied in manner in which penalties recoverable under this Act are applicable.

A.D. 1870.

Saving.

Certificate not required by commercial travellers.

22. Nothing in this Act shall render it necessary for a certificate to be obtained by the following persons; (that is to say,)

1. Commercial travellers or other persons selling or seeking orders for goods, wares, or merchandise to or from persons who are dealers therein and who buy to sell again:

Sellers of fish.

2. Sellers of fish, fruit, or victuals:

Sellers in fairs.

3. Persons selling or exposing to sale goods, wares, or merchandise in any public mart, market, or fair legally established.

Hawker's license not required by pedlar.

23. No pedlar having a certificate in accordance with this Act shall be required as such to have a hawker's license.

SCHEDULE.

FORM A.

Form of Application for Pedlar's Certificate.

1. I, *A.B.* [*christian and surname of applicant in full*] reside at in the parish of in the county of .

2. I am by trade and occupation a [*here state trade and occupation of applicant, e.g., that he is a hawker, pedlar, &c.*]

3. I am twenty-one years of age.

4. I apply for a certificate under The Pedlars Act, 1870, authorising me to act as a pedlar within the police district.

Dated the day of .

(Signed) *A.B.* [*Here insert christian and surname of applicant.*]

FORM B.

Form of Pedlar's Certificate.

In pursuance of The Pedlars Act, 1870, I certify that *A.B.* [*name of applicant*] of in the county of is hereby authorised to act as a pedlar within the police district for a year from t he date of this certificate.

Certified this day of A.D.

(Signed) [*Here insert name and description of the officer signing the certificate.*]

This certificate will expire on the day of A.D. .

FORM C.

Form of Indorsement of Pedlar's Certificate.

The within-named [*here insert christian and surname of pedlar*] is hereby authorised to act as pedlar up to and until the day of , the day on which his certificate expires within the police district of .

(Signed) [*Here insert name and description of the chief officer of police by whom the certificate is indorsed.*]

Pedlars Certificates.

A

B I L L

For granting Certificates to Pedlars.

(*Prepared and brought in by Mr. Secretary Bruce and Mr. Knatchbull-Hugessen.*)

Ordered, by The House of Commons, *to be Printed*, 6 *July* 1870.

[Bill 199.]

Under 2 *oz.*

A

B I L L

FOR

Amending the Sixth Section of the Pensions Commutation Act, 1869.

A.D. 1870.

WHEREAS by the sixth section of the Pensions Commutation Act, 1869, it is provided that "the Commissioners for the "Reduction of the National Debt, with the consent of the Treasury, "may pay the amounts awarded as commutations of pensions out "of any funds for the time being in their hands under the authority of the Act of the twenty-fourth year of the reign of Her "present Majesty, chapter twenty-four, and the Act of the session "of the twenty-sixth and twenty-seventh years of the same reign, "chapter eighty-seven, or either of such Acts:" 32 & 33 Vict. c. 32. s. 6.

And whereas chapter fourteen, intituled "An Act to grant "additional facilities for depositing small savings at interest, with "the security of the Government for due repayment thereof," ought to be substituted for chapter twenty-four in the said section:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Amendment of section six of the Pensions Commutation Act, 1869.

1. Section six of the Pensions Commutation Act, 1869, shall be construed as if the words "chapter fourteen" were and had at and from the date of the passing of such last-mentioned Act been inserted therein in the place of "chapter twenty-four," and Her Majesty's printers shall in all copies of the Pensions Commutation Act, 1869, which may be printed after the passing of this Act, insert the words "chapter fourteen" in the place of the words "chapter twenty-four" in section six of the said Pensions Commutation Act.

Pensions Commutation Act (1869) Amendment.

A

B I L L

For amending the Sixth Section of the Pensions Commutation Act, 1869.

(*Prepared and brought in by Mr. Stansfeld and Mr. Chancellor of the Exchequer.*)

Ordered, by The House of Commons, *to be Printed*, 27 *July* 1870.

[Bill 244.]

Under 1 *oz.*

A

B I L L

TO

Empower magistrates and town councils of burghs in Scotland to abolish petty customs and to levy a rate in lieu thereof. A.D. 1870.

WHEREAS it is expedient to enable the provost, magistrates, and town councils of burghs in Scotland to abolish certain duties or customs styled petty customs, now leviable within certain of such burghs respectively, and to make other provision for the common good of such burghs in lieu thereof:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Interpretation.

1. The word "burgh" shall mean any royal, parliamentary, or other burgh, as defined in the General Police and Improvement Act (Scotland), 1862, and in which heretofore petty customs have been levied or leviable.

Petty customs may be abolished by council.

2. After the *thirty-first of December in this present year* the magistrates and council of any burgh may resolve that from a subsequent date, to be specified in such resolution, the petty customs or duties levied or leviable in such burgh shall be abolished, and that in lieu thereof there shall be levied by way of assessment in such burgh a rate or rates not exceeding in the whole for any one year the amount of threepence in the pound sterling on the valuation of the assessable property within the boundaries of such burgh, and from such date such petty customs or duties shall be wholly abolished in such burgh, and such rate may be levied either as a separate rate or as part of and in addition to any police or burgh rate levied or leviable within such burgh: Provided that no such resolution shall have any force or effect unless a month's previous notice shall have been given of the meeting of the magistrates and council whereat such resolution was moved, and of the intention to move such resolution, in one or more public newspapers circulating within such burgh, and also in

A.D. 1870.

the manner in which notices of meetings of magistrates and town councils are usually given in such burgh, and unless also *two thirds* at the least of the members of the council present at such meeting concur in such resolution.

Saving in respect of creditors.

3. Nothing herein contained, nor any such resolution, shall in any way affect, diminish, or take away the right, claim, or title of any creditor of any such burgh to any payment or any security out of or upon the common good of such burgh, nor shall any such resolution be of any validity or effect so long as any tack or lease of such petty customs shall be in force, or until such lease or tack shall have terminated by surrender or effluxion of time, or otherwise, nor so long as any such petty customs or any of them shall be and continue assigned as a special security to any creditor of any burgh.

Boundaries.

4. The boundaries of any such burgh within which any such rate in lieu of petty customs shall be levied or leviable shall be the boundaries within which the assessment and rate for police purposes of such burgh shall be levied or leviable.

Extent of Act.

5. This Act shall only extend to Scotland.

Petty Customs (Scotland) Abolition.

A

B I L L

To empower magistrates and town councils of burghs in Scotland to abolish petty customs and to levy a rate in lieu thereof.

(*Prepared and brought in by Mr. Bouverie and Mr. Kinnaird.*)

Ordered, by The House of Commons, *to be Printed*, 15 *March* 1870.

[Bill 72.]

Under 1 *oz.*

A

BILL

[AS AMENDED IN COMMITTEE]

TO

Empower magistrates and town councils of burghs in Scotland to abolish petty customs and to levy a rate in lieu thereof. A.D. 1870.

WHEREAS it is expedient to enable the provost, magistrates, and town councils of burghs in Scotland to abolish certain duties or customs styled petty customs, or part thereof, now leviable within certain of such burghs respectively, and to make other provision for the common good of such burghs in lieu thereof:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Interpretation.

1. The word "burgh" shall mean any royal, parliamentary, or other burgh, as defined by the word "burgh" in the General Police and Improvement Act (Scotland), 1862, and in which heretofore petty customs have been levied or leviable.

Petty customs may be abolished by council.

2. After the thirty-first of December in this present year the magistrates and council of any burgh may resolve that from a subsequent date, to be specified in such resolution, the petty customs or duties, or part of them, levied or leviable in such burgh shall be abolished, and that in lieu thereof there shall be levied by way of assessment in such burgh a rate or rates calculated to yield in the whole in the year an amount equal to the net yearly amount of such petty customs, or part of them, and no more, but not exceeding in the whole for any one year the amount of threepence in the pound sterling on the valuation of the assessable property within the boundaries of such burgh, and from such date such petty customs or duties, or such part thereof, shall be wholly abolished in such burgh, and such rate may be levied either as a separate rate or as part of and in addition to and under the same conditions and subject to the same restrictions and exemptions as any police or burgh rate levied or leviable within such burgh: Provided that no such resolution shall have any force or effect

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unless a month's previous notice shall have been given of the meeting of the magistrates and council whereat such resolution was moved, and of the intention to move such resolution, in one or more public newspapers circulating within such burgh, and also in the manner in which notices of meetings of magistrates and town councils are usually given in such burgh, and unless also two thirds at the least of the members of the council present at such meeting concur in such resolution.

Saving in respect of creditors.

3. The magistrates and council of any such burgh may make assignation of such rate or rates in lieu of any assignation of such petty customs, or any of them, to any creditor of such burgh in security for any debt due to or advance made by such creditor, but nothing herein contained, nor any such resolution, shall in any way affect, diminish, or take away the right, claim, or title of any creditor of any such burgh to any payment or any security out of or upon the common good of such burgh, nor shall any such resolution be of any validity or effect so long as any tack or lease of such petty customs shall be in force, or until such lease or tack shall have terminated by surrender or effluxion of time, or otherwise, nor without the consent of the creditor, so long as any such petty customs or any of them shall be and continue assigned as a special security to any creditor of such burgh.

Not to affect agreement for payment of annuity, &c.

4. No such resolution shall affect or repeal any agreement with any person or body corporate for the payment by such person or body corporate of any annuity or annual sum, or at stated periods, to the common good of any such burgh by way of commutation of payment of such petty customs or any part thereof.

Boundaries.

5. The boundaries of any such burgh within which any such rate in lieu of petty customs shall be levied or leviable shall be the boundaries within which the assessment and rate for police purposes of such burgh shall be levied or leviable.

Extent of Act.

6. This Act shall only extend to Scotland.

Petty Customs (Scotland) Abolition.

A

B I L L

[AS AMENDED IN COMMITTEE]

To empower magistrates and town councils of burghs in Scotland to abolish petty customs and to levy a rate in lieu thereof.

(*Prepared and brought in by Mr. Bouverie and Mr. Kinnaird.*)

Ordered, by The House of Commons, *to be Printed,* 6 *April* 1870.

[Bill 95.]

Under 1 *oz.*

A

B I L L

TO

Amend the Petty Sessions Clerk (Ireland) Act, 1858. A.D. 1870.

WHEREAS it is expedient to amend the Petty Sessions Clerk (Ireland) Act, 1858:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as "The Petty Sessions Clerk (Ireland) Act, 1858, Amendment Act, 1870."

Order for amalgamation of districts may be rescinded.

2. Where any order has been made by the Lord Lieutenant under the provisions of the said Petty Sessions Clerk (Ireland) Act, 1858, that two or more petty sessions districts shall be served by one and the same person as clerk, and if after the making of the same the justices at quarter sessions for the division of the county in which such districts, or any of the same, are situate shall represent to the Lord Lieutenant that the service of such districts by one clerk is inconvenient, the Lord Lieutenant may rescind the said order by notice to be published in the Dublin Gazette, and to be notified to the clerk of the peace of the county in which the said districts are situate, by the chief or under secretary to the Lord Lieutenant, and thereupon such order shall be null and void.

Petty Sessions Clerk (Ireland) Act (1858) Amendment.

A

B I L L

To amend the Petty Sessions Clerk (Ireland) Act, 1858.

(*Prepared and brought in by Mr. Chichester Fortescue and Mr. Solicitor General for Ireland.*)

Ordered, by The House of Commons, *to be Printed*, 25 *July* 1870.

[Bill 236.]

Under 1*oz.*

A

B I L L

FOR

Confirming certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Alum Bay, Dartmouth, Ilfracombe, Penryn, and Walton-on-the-Naze. A.D. 1870.

WHEREAS a Provisional Order made by the Board of Trade under The General Pier and Harbour Act, 1861, is not of any validity or force whatever until the confirmation thereof by Act of Parliament: 24 & 25 Vict. c. 45.

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the said Act, and set out in the schedule to this Act, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The several Orders set out in the schedule to this Act shall be and the same are hereby confirmed, and all the provisions thereof in manner and form as they are set out in the said schedule shall, from and after the passing of this Act, have full validity and force. Confirmation of Orders in Council.

2. This Act may be cited as the Pier and Harbour Orders Confirmation Act, 1870 (No. 1.) Short title.

A.D. 1870.

The SCHEDULE OF ORDERS.

1. ALUM BAY.—Power to levy rates at existing pier.
2. DARTMOUTH.—Amendment of former Order.
3. ILFRACOMBE.—Improvement and regulation of harbour.
4. PENRYN.—Maintenance and regulation of harbour.
5. WALTON-ON-THE-NAZE.—Extension of time for construction of works authorized by former Order.

Alum Bay.

ALUM BAY.

Order for the regulation of a Pier at Alum Bay in the Parish of Freshwater in the Isle of Wight.

Power to take rates in schedule.

1.—The Alum Bay Pier Company (Limited) (in this Order called the Company), who have erected and completed for public use a pier, with proper approaches, conveniences, and other works connected therewith, at Alum Bay in the parish of Freshwater in the Isle of Wight, in accordance with plans approved by the Board of Trade, may, for the use of such piers and works, demand and take in respect of the vessels, persons, goods, and things, in the Schedule to this Order described, any sums not exceeding the rates in that Schedule specified.

Certain fishing vessels under stress of weather exempt from rates.

2.—Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coast of the United Kingdom, shall, when forced by stress of weather to make use of the pier, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Pass tickets for use of pier.

3.—The Company may grant to passengers, promenaders, and other persons, pass tickets for the use of the pier and works, at such rates, on such terms, and for such periods, not exceeding one year, as may be agreed upon, but so that no preference be given to any person. A pass ticket shall not be transferable, and shall not be used by any person other than the person to or for whom it is granted, or by any person after the period limited for its use. If any person acts in any way in contravention of this provision, or uses or attempts to use any false or counterfeit pass ticket, he shall for every such offence be liable to a penalty not exceeding twenty shillings, recoverable and applicable as penalties are recoverable and applicable under "The Harbours, Docks, and Piers Clauses Act, 1847," for all the purposes of which Act this Order shall be deemed the Special Act.

4.—Officers of Customs, in the execution of their duty, shall at all times have free egress, passage, and ingress from, to, and over the pier and works by land, and with their vessels, without payment. Exemption of Custom House Officers from rates.

5.—The Company shall have the appointment of meters and weighers on or in connection with the pier. Meters and weighers.

6.—The following sections of the Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order; namely, Parts of Harbours, &c. Act, 1847, excepted.

Sections sixteen to nineteen, and twenty-one to twenty-three, all inclusive, and sections twenty-five and twenty-six.

7.—The Company shall, at the outer extremity of the pier, exhibit from sunset to sunrise such light (if any) as shall from time to time be directed by the Corporation of Trinity House, Deptford Strond. Light to be exhibited.

8.—Nothing in this Order shall entitle any person, with any vessel or boat, to ship or unship at the pier any sheep, cattle, or merchandise, or to ship or unship there anything which, in the judgment of the Company, might in any manner interfere with the use of the pier for recreation, or for the embarking or landing of passengers. Restrictions on use of pier.

9.—This Order may be cited as "The Alum Bay Pier Order, 1870." Short title.

Schedule to which the foregoing Order refers.

I.—Rates on Vessels using the Pier.

	s.	*d.*
For every vessel under the burden of 15 tons, per ton - - - - -	0	4
For every vessel of the burden of 15 tons and under 50 tons, per ton - - - - - - - - - -	0	6
For every vessel of the burden of 50 tons and under 100 tons, per ton - - - - - - - - - -	0	8
For every vessel of the burden of 100 tons and under 150 tons, per ton - - - - - - - - - -	0	10
For every vessel of the burden of 150 tons and upwards, per ton -	1	0
All lighters, for each trip, per ton - - - - - - - - - -	0	6
All boats entirely open, landing or taking on board goods, each -	0	6

II.—Rates for Goods Shipped or Unshipped at the Pier.

Light goods, per cube foot - - - - - - - - - -	0	1
Heavy goods, per ton - - - - - - - - - -	2	0

In charging the rates on goods, the gross weight or measurement of all goods to be taken; and for any less weight, measures, and quantities than those above specified, a portion of the respective rates shall be charged.

A.D. 1870.

Alum Bay.

III.—RATES FOR USE OF WEIGHING MACHINES.

	s.	d.
For goods weighed, for each ton or part of a ton - - -	0	2

IV.—RATES ON PASSENGERS AND PROMENADERS USING THE PIER.

For every passenger or other person who shall land on the pier from, or embark from it on board of, any ship, vessel, packet, or passage boat, for each time, any sum not exceeding -	0	4
For every person who shall use the pier for the purpose of walking for exercise, pleasure, or any other purpose, except for embarking or disembarking, for each time any sum not exceeding -	0	2
For every bath or sedan chair taken on the pier, for each time any sum not exceeding - - - - - -	0	6
For every perambulator taken on the pier, for each time, any sum not exceeding - - - - - -	0	2
For every master of any vessel, boat, or wherry, being an inhabitant of the parish of Freshwater, and using the said pier for the purpose of going to or returning from his own vessel, boat, or wherry, an annual sum not exceeding - - -	20	0

V.—RATES ON PASSENGERS' LUGGAGE.

For every trunk, portmanteau, box, parcel, or other package within the description of luggage, not exceeding 28 lbs. - -	0	2
Over 28 lbs. and not exceeding 84 lbs. - - - -	0	4
Over 84 lbs. and not exceeding 112 lbs. - - - -	0	5
Over 112 lbs. and not exceeding 140 lbs. - - - -	0	6
Over 140 lbs. and not exceeding 196 lbs. - - - -	0	7
Over 196 lbs. and not exceeding 2 cwt. - - - -	0	8
And for every cwt. beyond - - - - -	0	4
And for every 20 lbs. weight in addition - - - -	0	1

Dartmouth.

DARTMOUTH.

Order for amending the Dartmouth Harbour Order, 1863, and making further provision for the maintenance and regulation of that Harbour.

Short title.

1. This Order shall be construed with the Dartmouth Harbour Order, 1863, (in this Order called the Order of 1863) as one order, and may be cited as the Dartmouth Harbour Order 1870, and the order of 1863 and this order may be cited together as the Dartmouth Harbour Orders 1863 and 1870.

Rates.

2. From and after the first day of August one thousand eight hundred and seventy, the Commissioners may demand and receive in respect of vessels using or entering the harbour for orders or refuge only, sums not exceeding the rates specified in the schedule to this Order.

Dartmouth.

Power to mortgage as a further security.

3. The Commissioners may mortgage or charge the rates leviable under this Order, for further securing any money borrowed under the Order of 1863, and the interest thereon.

Application of rates.

4. The Commissioners may apply the moneys to be received by them for rates under this Order:

1. In paying the costs, charges, and expenses of applying for and obtaining this Order, or preparatory or incidental thereto.
2. In like manner as the moneys received by them in respect of rates specified in schedule A or schedule B of the Order of 1863 are by that Order directed to be applied.

Commissioners to keep separate acount of rates, and to revise rates.

5. The Commissioners shall keep separate accounts of the moneys received by them for rates under this Order, and shall revise the same from time to time, so that the total produce of the rates under this Order and the Order of 1863 may always be, so far as practicable, sufficient and not more that sufficient for the purposes of those Orders.

Pilots to obey Commissioners directions.

6. All pilots acting within the limits of this Order shall, as regards the berthing and mooring of vessels, be subject to and shall obey the directions of the Commissioners or their harbour master; but any pilot who shall miscondnct himself shall be amenable only to and punishable only by the pilotage authority of the Port of Dartmouth, which authority is by this Order required to act accordingly on any complaint referred to that authority by the Commissioners or their harbour-master.

Reservation of jurisdiction of Trinity House.

7. Nothing in this Order or the Order of 1863 contained, shall prejudice or affect the rights or jurisdiction of the Corporation of Trinity House, Deptford Strond, in respect of any lights, buoys, or beacons, or any other matter of which they have the management or control.

Light to be exhibited, if required.

8. The Commissioners shall, at the outer extremity of their harbour and works, exhibit from sunset to sunrise such light (if any) as shall from time to time be directed by the Corporation of Trinity House, Deptford Strond.

SCHEDULE.

	s.	*d.*
For every vessel using or entering the harbour for orders or refuge only, per ton register - - - - - -	0	0½
And if the same vessel shall remain in the harbour more than one week continuously, then for every week or part of a week during which the same shall remain in the harbour after the first week, the further sum per register ton of - -	0	0½

Exemptions.

Yachts, pleasure boats, and boats entirely open.

A D. 1869.

Ilfracombe.

ILFRACOMBE.

Order for the improvement, maintenance, and regulation of the Harbour of Ilfracombe in the county of Devon.

Undertakers.

1. Sir Bourchier Palk Wrey, of Tawstock, in the county of Devon, Baronet, his heirs and assigns, or other the person and persons from time to time entitled to the possession or receipt of the rents and profits of the lands and works to which this Order relates, shall be the undertakers for the purposes of this Order, and shall have and may exercise the several powers, privileges, and authorities by this Order conferred on the undertakers, and may carry this Order in all respects into execution.

Repeal of Local Act except as to rates.

2. The Act passed in the fourth year of His late Majesty King George the Second, intituled "An Act for repairing and keeping in repair the pier and "harbour of Ilfordcombe in the county of Devon," in this Order called "the Local Act," shall, except so far as regards the levying of the rates, tolls, and dues thereby authorized to be levied, be, and the same Act, except as aforesaid, is hereby repealed on and after the first day of October next after the passing of the Act confirming this Order.

Old rates to continue till new rates leviable.

3. The rates, tolls, and dues by the Local Act authorized may continue to be demanded and received as heretofore until the time appointed by this Order for ceasing to levy such rates, tolls, and dues.

Power to take lands by agreement.

4. For the purposes of the works authorized by this Order, the undertakers, from time to time, by agreement, may appropriate or may enter upon and take and may use such of the lands or foreshore shown on the plans deposited for the purposes of this Order, as they think expedient.

Lands Clauses Acts incorporated.

5. "The Lands Clauses Consolidation Act, 1845," except so much thereof as relates to the purchase and taking of lands otherwise than by agreement, and "The Lands Clauses Consolidation Acts Amendment Act, 1860," shall be incorporated with this Order.

Power to execute works.

6. Subject to the provisions of this Order, and subject also to such alterations (if any) in the plans deposited for the purposes of this Order as the Board may require, from time to time, before the completion of the works, in order to prevent injury to navigation, the undertakers may maintain and improve the existing harbour and works, and may execute, make, and maintain on the lands or foreshore appropriated by them for the purposes of this Order the works by this Order authorized; and, so far as the same are shown on the plans and sections deposited for the purpose of this Order, may make the same in the lines, and according to the levels, and within the limits of deviation, shown on the plans and sections deposited for the purposes of this Order.

Description of works.

7. The works which by this Order the undertakers are authorized to execute, make, and maintain, comprise the following, with all necessary warehouses, offices, sheds, weighing machines, landing places, roads, approaches, cranes, and

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other works and conveniences connected with the landing of passengers, goods, and merchandize, and the improvement and repair of the existing harbour and lighthouse:—

(1.) The widening of the existing quay on the south side thereof, from the slip in front of the Britannia Hotel to the present pier in front of the Pier Hotel.

(2.) The construction of a quay or pier in an easterly direction from the south-east corner of the present quay near the "Golden Lion Hotel," in a straight line to the east end of Warp House Quay, adjoining the present line of steps at the end of the same quay.

(3.) The clearance and removal of all rock, stone, and other obstruction, outside or on the southern side of the proposed line of quay.

(4.) The erection of a jetty at the east end of the said Warp House Quay, commencing from the eastern extremity of the before described quay, running in an easterly direction one hundred and fifty feet, or thereabouts; and then in a north-easterly direction two hundred and fifty feet, or thereabouts; and in a westerly direction two hundred and fifty feet, or thereabouts, to the Benrick Rock, as shown on the plans and sections deposited for the purposes of this Order.

(5.) The construction of a slipway for the launching of the life boat.

Limits of harbour.

8. The limits within which the undertakers shall have authority, and which shall be deemed the limits to which the provisions of this Order extend, shall comprise the area defined by an imaginary straight line drawn from a point distant 200 yards northward from the northern wall of the Britannia Hotel, and extending in an easterly direction from the aforesaid point to a point 100 yards northward from the north-east point of Rapparee Cove, and then southward 130 yards from the said north-east point of Rapparee Cove, and by a line 120 yards long, drawn in a westerly direction from the south end of the last-mentioned line joining the limit of deviation defining the extent of the harbour landward, as shown on the deposited plans.

Power to levy rates.

9. Subject and according to the provisions of this Order, the undertakers may, for the use of the harbour and works to which this Order relates, demand and receive in respect of vessels, passengers, goods, merchandise, fish, animals, and things described in the Schedule to this Order, any rates or duties not exceeding the several sums in that Schedule specified.

Recovery of dues.

10. Dues on a vessel may be recovered by action in any court of competent juisdiction from the owner or any part owner or skipper thereof, or from the consignee or owner of the goods therein, and this provision shall be without prejudice to the powers of the undertakers, under section 44 of the "Harbours, Docks, and Pier Clauses Act, 1847."

Customs officers.

11. Officers of customs, being in the execution of their duty, and boatmen or others actually engaged in and about the life boat, shall at all times have free ingress, passage, and egress on, into, along, through, and out of the quay, piers, harbours, and works by land, and with their vessels and otherwise, without payment.

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Certain fishing vessels under stress of weather exempt from rates.

12. Fishing vessels belonging to countries with which for the time being treaties exist, exempting from duties and port charges such vessels, when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the piers or harbour to which this Order relates, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Application of rates and income.

13. The rates and duties and other income received under this Order shall be applied for the purposes and in the order following, and not otherwise:—

(1.) In paying the expenses of and connected with the applying for, obtaining, and making of this Order:

(2.) In paying the expenses of the maintenance, repair, management, and regulation of the harbour, lighthouse, and works:

(3.) In paying, year by year, the interest of any money borrowed under this Order, or otherwise under this Order becoming a charge on the rates and duties authorized by this Order:

(4.) In paying the cost of executing, maintaining, and repairing such other works, buildings, sheds, warehouses, wharves, jetties, cranes, and conveniences as are authorized by this Order:

(5.) In creating a Sinking Fund for the repayment of the principal of money borrowed under this Order, or otherwise under this Order becoming a charge on the rates and duties authorized by this Order, in the manner, and, so far as the circumstances of the case will admit, in the proportion specified by "The Commissioners Clauses Act, 1847:"

(6.) In the further general improvement of the harbour.

Commencement of new rates.

14. When and so soon as it shall be certified in writing under the hand of an officer to be appointed for the purpose by the Board of Trade that the works authorized by and described in the 2nd, 3rd, and 4th sections of clause 7 of this Order have been so far completed as to afford proper accommodation for the landing and embarking of passengers and goods, by means of all such works, the undertakers may, although the whole of the works authorized by this Order shall not then have been completed, demand and receive the rates and duties authorized by this Order.

Cesser of old rates.

15. When and so soon as the rates and duties authorized by this Order can, under the provisions of this Order, be demanded and received, then and thenceforth all rates, tolls, and dues authorized by the Local Act shall cease to be levied.

Charges on old rates.

16. Any person or persons having, at the time of the passing of the Act confirming this Order, any charge on the rates, tolls, or dues authorized by the Local Act for securing money borrowed under the Local Act, shall, from and after the time when under this Order rates, tolls, and dues under the Local Act cease to be levied, have, in priority to every security made for monies borrowed under this Order, the like charge and security on the rates and duties authorized by this Order as such person or persons had on the rates, tolls, and dues authorized by the Local Act at the time when the same ceased to be levied.

17. The undertakers may from time to time borrow at interest such money as may be required for the purposes of this Order, not exceeding in the whole eight thousand pounds, on mortgage of the harbour, land, and works, and the property connected therewith, and the rates and duties authorized by this Order; and any money which, under the provisions of this Order, shall become charged on the rates authorized by this Order, and shall be discharged otherwise than by means of the sinking fund in this Order mentioned, may be reborrowed, if required, for the purposes of this Order, and so toties quoties.

Power to borrow.

18. Every part of the monies borrowed under this Order shall be applied only for the purposes of this Order.

Application of money borrowed.

19. The provisions of "The Commissioners Clauses Act, 1847," with respect to the mortgages to be executed by the Commissioners, shall be incorporated with this Order, except so much thereof as relates to the appointment of a receiver at the expiration of one calendar month after the time appointed for payment of any interest.

Commissioners Clauses Act as to mortgages incorporated.

20. The mortgagees of the undertakers may enforce payment of the arrears of interest, or of principal and interest, due on their respective mortgages, by the appointment of a receiver, at the expiration of three calendar months from the time limited for such payments respectively, and the amount necessary to authorize a receiver is one thousand pounds in one or more mortgages, bonds, or debentures.

Appointment of receiver.

21. The following provisions of "The Harbours, Docks, and Piers Clauses Act, 1847," shall not be incorporated with this Order, namely, sections fourteen to twenty (both inclusive).

Clauses of Harbours Act not incorporated.

22. The undertakers may grant to passengers, promenaders, and others, tickets for the use of the piers and jetty, or the extension thereof authorized by this Order, on such terms and for such periods not exceeding one year as are agreed on, but so that no preference be given to any person.

Tickets for use of pier.

23. A pass ticket granted by the undertakers shall not be transferable, and shall not be used by any person other than the person for whom it is granted, or by any person after the period limited for its use.

Tickets not transferable.

24. If any person acts in any way in contravention of the last preceding provision, or uses or attempts to use any false or counterfeit pass ticket, every person so offending shall for every such offence be liable to a penalty not exceeding twenty shillings, recoverable and applicable as penalties are recoverable and applicable under "The Harbours, Docks, and Piers Clauses Act, 1847."

Penalty for using false tickets.

25. The undertakers shall have the appointment of meters and weighers within the limits of the harbour, and also the appointment of crane attendants and quay porters, in like manner and under the same regulations as meters and weighers.

Meters and weighers.

26. When the undertakers commence receiving the rates and duties authorized by this Order, they shall at their own expense provide and employ, and thenceforth continue to provide and employ, a sufficient number of efficient quay porters, whose duty it shall be to attend to all vessels and ropes within the limits of this Order, and to the mooring and unmooring of vessels alongside

Quay porters to be provided gratuituously by the undertakers.

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the quay, or pier, and jetty, and whenever required to assist passengers in landing and embarking, and to carry passengers luggage between the vessels deck and the quay, or pier, and jetty, or other landing place, and if from deficiency of water, stress of weather, or other cause, it shall be impracticable or dangerous for any vessel to come alongside the quay, pier, or jetty, or other landing place to land or embark passengers, then and in every such case the undertakers shall at their own expense land or embark the passengers and luggage from or in every such vessel, and shall provide and employ proper boats, boatmen, and other appliances for the purpose.

Warp to be provided if required.

27. During scant winds from the westward, when it may be difficult for sailing vessels to fetch round the warphouse jetty into the harbour, the harbour master shall have ready a warp of sufficient strength to throw on board any and every vessel requiring the same, so as to keep such vessel from falling to leeward to her damage, or shall receive a warp thrown from any vessel in danger of so falling to leeward, and shall otherwise render to any and every vessel so circumstanced all such assistance as the circumstances of the case will admit of.

No gratuity to be demanded for services of porters, &c.

28. No gratuity or other payment beyond the rates and duties by this order authorized shall be demanded or received by the undertakers in respect of any of the services by the two last preceding sections of this Order required to be performed by them.

Steam engines, lighters, &c.

29. The undertakers may provide such steam engines, steam vessels, piling engines, diving bells, ballast lighters, rubbish lighters, and other machinery and vessels as they think necessary for the purposes of this Order.

Pilotage, &c.

30. The undertakers shall be a pilotage authority within the meaning of "The Merchant Shipping Act, 1854," and Acts amending the same, and shall have all the powers conferred by those Acts on pilotage authorities.

Existing rights reserved.

31. Except so far as otherwise expressly provided by this Order, nothing in this Order contained shall be construed to interfere in any way with any existing rights in the present harbour and works, or in the lands or foreshore adjoining the same.

Light to be exhibited.

32. The undertakers shall, at the outer extremity of the pier and works authorized by this Order, exhibit from sunset to sunrise such light (if any) as shall from time to time be directed by the corporation of Trinity House, Deptford Strond.

Rights of corporation of Bridgwater.

33. This Order shall not take away or diminish any of the ancient rights, privileges, or immunites of the corporation of Bridgwater.

Saving as to Boad of Trade.

34. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866," nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges, without the consent of the Board of Trade having been first obtained.

Short title.

35. This Order may be cited as "The Ilfracombe Harbour Order, 1870."

SCHEDULE to which the foregoing Order refers.

1.—Tonnage Duties.

	s.	d.
For all vessels putting in wind bound or otherwise, and not loading or unloading, per register ton - - - - - -	0	1
For all vessels entering the limits of the harbour to load or discharge cargo, or to land or embark passengers from or to any port in the United Kingdom, per register ton, not exceeding - - -	0	2
For all vessels from or to foreign ports, discharging or unloading in the harbour, per register ton - - - - - -	0	4
For every skiff, trawler, or other undecked or half-decked boat, not exceeding fifteen tons register, each time of entering the limits of the harbour - - - - - - - -	1	0
For every such boat as last mentioned above fifteen tons register to be charged according to tonnage dues for vessels wind bound, per ton -	0	1
Yawls and other open boats every time of entering the limits of the said harbour - - - - - - - -	0	8
Trawlers belonging to Ilfracombe, for one year - - -	4	4
Open boats belonging to Ilfracombe, for one year, payable in advance	2	2
For all vessels belonging to Ilfracombe, laying up in the harbour for any time or portion of time not exceeding twelve months - -	4	4
For all other vessels laying up in the harbour for any time or portion of time not exceeding six months - - - - -	6	8
After that time, per register ton per month, the sum of - -	0	1
For every ton of ballast taken in or discharged within the limits of the harbour, per ton - - - - - - -	0	2
For entering the harbour one rate only shall be demanded and received in respect of any vessel within any 24 hours, and one rate only shall be paid going and returning by each vessel regularly trading between ports east and west of Ilfracombe - - -		

2.—Rates on Goods.

Ale, beer, and porter, per butt or pipe - - -	1	0
,, hogshead - - - - -	0	6
,, barrel - - - -	0	4
,, kilderkin - - - - -	0	2
,, firkin - - - - -	0	1
Apples, or pears, per cwt. - - - - - -	0	3
Bacon or pork ,, - - - - - -	0	2
Bags, empty, per score - - - - - -	0	2
Beef or pork, per tierce - - - - -	0	4
,, ,, barrel - - - - -	0	2
Biscuits, per cwt. - - - - - - -	0	2
Bottles, empty, per gross - - - - - -	0	6

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	s.	d.
Bricks, common, per thousand - - - - - -	1	0
Fire or scouring „ - - - - - - -	1	6
Canvas, per bolt - - - - - - - -	0	2
Carriage and four-wheeled chaises, each, including shipping by pier porters - - - - - - - - -	2	6
Gigs, carts, and other two-wheeled carriages, each, including shipping by pier porters - - - - -	2	0
Cattle:—		
Bulls, cows, steers, heifers, and oxen, each	2	0
Calves - - - - „	1	0
Horses and ponies - - - - „ (including shipping by pier porters)	2	0
Donkeys and mules - - - - „ (including shipping by pier porters)	1	0
Pigs - - - - - „ (including shipping by pier porters)	0	1½
Sheep and lambs - - - - „ (including shipping by pier porters)	0	1½
All other animals, not enumerated - „ (including shipping by pier porters)	0	2
Coals, per ton - - - - - - - -	0	6
Cement „ - - - - - - - - -	1	0
Corn and meal, of every description, per quarter - - -	0	4
Clover seed, per cwt. - - - - - - -	0	2
Dogs, each - - - - - - - - -	0	4
Earthenware, per large crate - - - - - -	1	0
„ „ small „ - - - - - - -	0	6
„ „ case - - - - - - -	1	0
Felt, per cwt. - - - - - - - -	0	2
Flour, per sack - - - - - - - -	0	3
„ „ barrel - - - - - - -	0	2
Fruit, per basket - - - - - - - -	0	3
Furniture, per ton—40 cubic feet - - - - -	1	0
Ginger beer, per gross - - - - - - -	0	6
Glass, per crib, crate, or case - - - - -	0	4
Groceries of all kinds per ton - - - - - -	1	6
Granite, rough „ - - - - - - -	1	0
„ worked „ - - - - - - -	2	0
Grates and stoves, per cwt. - - - - - -	0	3
Guano, per ton - - - - - - - -	1	0
Gunpowder, per cwt. - - - - - - -	0	3
Hand carts and perambulators, not exceeding - - - -	0	6
Haberdashery, per cwt. - - - - - - -	0	2
„ in boxes, per foot - - - - - -	0	1
Herrings, per barrel - - - - - - -	0	2
Other cured fish, per cwt. - - - - - - -	0	2
Iron, per ton - - - - - - - - -	0	8
Iron castings and hoops, per ton - - - - - -	1	0
Lead, per ton - - - - - - - - -	1	0
Leather tanned, per cwt. - - - - - - -	0	3
Lemonade, per gross - - - - - - - -	0	6

		s.	d.
	Limestone, per ton	0	2
	„ for agricultural purposes	0	1
	Manures, artificial, &c.	1	0
5	Marble blocks	1	6
	„ worked	2	6
	Oranges and lemons, per box	0	2
	„ „ „ chest	0	3
	Potatoes, per ton	0	8
10	Portlock pebbles, per ton	0	2
	Soda, per ton	1	0
	„ water, per gross	0	6
	Spirits and Wines :—		
	„ „ per hogshead	1	0
15	„ „ „ gallon	0	1
	Stones :—		
	„ Healing, per ton	0	8
	„ Flooring „	0	4
	„ Kerb and ashlar „	0	3
20	„ Bath stone „	0	4
	All stones not above mentioned	0	4
	Soap, per ton	1	0
	Sugar of all kinds, per ton	1	6
	Tobacco, per cwt.	0	4
25	Vegetables, per barrel	0	2
	„ „ crate	0	4
	Vinegar, per hogshead	0	6
	Wood of all kinds :—		
	„ per load of 50 cubic feet	0	10
30	For all goods, wares, merchandize, or other commodities not enumerated in the foregoing schedule :—		
	per ton of 40 cubic feet, or ditto of 20 cwt.	0	8
	In charging the rates on goods the gross weight or measurement shall be taken. No article to be landed or embarked without paying a		
35	charge of at least one penny	0	1

III.—Rates for the use of Cranes, Weighing Machines, and Sheds.

1st.—Rates of Craneage.

									s.	d.
	All goods not exceeding a ton								0	4
	Exceeding 1 ton and not exceeding 2 tons								0	6
40	„	2	„	„	3	„			0	8
	„	3	„	„	4	„			0	10
	„	4	„	„	5	„			1	0

2nd.—Weighing Machines.

		s.	d.
	For goods weighed, for each ton or part of a ton, any sum not exceeding	0	6

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3rd.—Shed Dues.

	s.	d.
For each ton of goods of 40 cubic feet, or for each ton of 20 cwt. which shall remain in the sheds or other works of the pier for a longer time than 48 hours, the sum of 3*d.*, and a further sum of 1½*d.* per ton for each day during which such goods shall remain after the first 24 hours.		
For any portmanteau, trunk, parcel, or other article of passenger's luggage, for each day or part of a day per package - - -	0	1

IV.—RATES ON PASSENGERS AND PROMENADERS.

For every passenger without luggage and having a return ticket who shall land from and re-embark on board the same steam or other vessel or boat within any 24 hours, any sum not exceeding -	0	2
For every other passenger, or other person, who shall land from or embark on board of any steam or other vessel or boat, including luggage, any sum not exceeding - - - - - -	0	2
For every person who shall use the piers or jetty, or any part thereof, for the purpose of walking for exercise, pleasure, or any other purpose, except for embarking or disembarking, for each and every time, any sum not exceeding - - - - -	0	2
For every bath or sedan chair taken on the piers or jetty, for each and every time, any sum not exceeding - - - -	0	4
For every perambulator - - - - - -	0	2
For any hackney carriage standing for hire, per day - -	0	6

Penryn.

PENRYN.

Order for the maintenance and regulation of the Harbour of Penryn in the County of Cornwall.

Constitution of harbour authority.

1.—The mayor, aldermen, and burgesses of the borough of Penryn in the county of Cornwall, commonly called the Corporation of Penryn, and in this Order referred to as the corporation, acting by the council of the corporation, shall be the undertakers of the works authorized by this Order.

Limits of Order.

2.—The limits within which the corporation shall have authority (and which shall be deemed the limits to which this Order extends,) shall include all that part of the Penryn River lying to the north west of an imaginary line drawn from Boyer's Cellars to Sely's Creek, commonly called Sailor's Creek, in the parish of Mylor and county of Cornwall, being the line forming the north-western boundary of the municipal borough of Falmouth.

Lands Clauses Act incorporated.

3.—The Lands Clauses Consolidation Act, 1845, and the Lands Clauses Consolidation Amendment Act, 1860, except so much thereof respectively as relates to the purchase and taking of land otherwise than by agreement, are hereby incorporated with this Order.

Works authorized.

4.—The works by this Order authorized, and which may be executed and maintained by the corporation, comprise the deepening of the harbour, the improving of the harbour and quays, the laying down buoys and moorings, and the erecting or placing of other appliances or conveniences, for the use of the vessels frequenting the harbour.

Assent of Board of Trade to works.

5. No works for deepening or improving the harbour under this Order shall be commenced without the assent of the Board of Trade having been first obtained.

Power to levy tolls.

6.—The corporation may demand and receive on any and every vessel anchoring or mooring within the limits of this Order, or lying alongside any wharves or quays within the limits of this Order, any sum not exceeding the rate of one penny per ton register of such vessel; and if the same shall remain in the harbour more than two months continuously, then for every month or part of a month during which the same shall so remain after the first two months a further sum not exceeding the rate of one halfpenny per ton register of such vessel: provided that all vessels forced by stress of weather to seek shelter in the harbour, and not breaking bulk while making use thereof, shall be exempt from rates leviable under this Order; provided also, that the rates leviable under this Order shall not be demanded or received in respect of the same vessel more than four times in any one year ending on the 31st day of December, nor shall any such rates be demanded or received in respect of the vessels of officers of customs.

Power to borrow.

7.—The corporation may from time to time borrow and reborrow at interest such money as may be required for the purposes of the works by this Order authorized, not exceeding in the whole the sum of 2,000*l.*, on the security of the rates by this Order authorized to be levied.

Application of money borrowed.

8.—Every part of the money borrowed under this Order shall be applied only for the purposes of this Order.

Application of Tolls.

9.—The corporation shall apply all rates and other income received under this Order for the purposes and in the order following, and not otherwise:

1. In paying the expenses connected with the preparation and making of this Order.
2. In paying the salary of the harbour master, and the expenses of maintaining in proper condition all buoys, moorings, appliances, and other conveniences belonging to the harbour, and paying all other current annual expenses incurred by the corporation in relation to the harbour.
3. In paying year by year the interest on money borrowed under this Order.
4. In paying the cost of the works authorized by this Order.
5. In creating a sinking fund, in manner and so far as circumstances will admit, in the proportion specified in the Commissioners Clauses Act, 1847.

Rates to be revised from time to time.

10.—The corporation shall from time to time revise the rates receivable under this Order, so that the income of the corporation under this Order may always be, as far as practicable, sufficient and not more than sufficient to meet the expenditure directed or authorized by this Order.

Penryn.

Accounts to be sent to Board of Trade.

11.—The corporation shall in every year send to the Board of Trade their printed statement and account within seven days after the same shall have been first open for inspection.

Corporation may provide dredges, engines, &c.

12.—The corporation may for the purposes of the harbour, or any of them, from time to time, purchase, provide, lease or hire such dredges, engines, tugs, vessels, lighters, tools, plant or other materials, as they think fit, and may from time to time demand and receive such sums for the use of the same as they think fit, or may sell or dispose of the same; and the money thereby realized shall be applied to carrying into effect the works authorized by this Order or some of them.

Accommodation for vessels of the Royal Navy.

13.—It shall be the duty of the corporation and their harbour master to provide forthwith suitable accommodation for any of Her Majesty's ships entering the harbour, and, if necessary for that purpose, to remove any other vessels from any part of the harbour; and the corporation or their harbour master shall at any time, on the requisition of the Lord High Admiral or the Lords Commissioners for executing the office of Lord High Admiral, or of the Commissioners appointed by such Lord High Admiral, or by the Commissioners for executing his office, or of the Commander-in-chief at Devonport, or the officer in command of any of Her Majesty's ships being of the rank of captain, cause such portion of the harbour as may be required to be cleared of all vessels so as to enable vessels of the Royal Navy to anchor there; and the corporation or their harbour master shall, on such requisition, make due provision for the anchorage of such last-mentioned vessels.

Part V. of 24 & 25 Vict. c. 47 to apply.

14.—Part 5 of "Harbours and Passing Tolls, &c. Act, 1861," shall apply to this Order.

Pilots to be under direction of harbour master.

15.—All pilots acting within the limits of this Order shall, as regards the berthing and mooring of vessels, be subject to and shall obey the directions of the corporation or their harbour master; but any pilot who shall misconduct himself shall be amenable only to, and punishable only by, the pilotage authority of the port of Penryn, which authority is by this Order required to act accordingly on any complaint preferred to that authority by the corporation or their harbour master.

Meters and weighers.

16.—The corporation shall have the appointment of meters and weighers within the limits of this Order.

Parts of Harbours, Docks, &c., Act not incorporated.

17.—The following sections of the Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order, namely, sections 6 to 11 inclusive, sections 16 to 19 inclusive, sections 25 and 26, sections 37 to 42 inclusive, and section 45, and notwithstanding anything in that Act contained, byelaws made under that Act and this Order shall not come into operation until the same have received the allowance and confirmation of the Board of Trade, which shall be sufficient for all purposes.

Reservation of Admiralty authority under 25 & 26 Vict. c. 69, s. 9.

18.—Nothing in this Order contained shall prejudice or affect the powers conferred on the Admiralty under section 9 of "The Harbours Transfer Act, 1862," but such powers may be exercised in like manner as if this Order had not been made.

Penryn.

19.—Officers of customs in the execution of their duty shall at all times have free ingress, passage, and egress to, through, and out of the harbour, wharves, and quays of the corporation, by land, and with their vessels, and otherwise, without payment. Customs officers.

20.—Her Majesty's justices of the peace acting in and for the said borough of Penryn shall have and exercise jurisdiction in all matters and things arising within the limits of this Order. Justices of Penryn to have jurisdiction.

21.—Nothing in this Order shall prejudice or affect any property, rights, powers, or privileges of the Ecclesiastical Commissioners for England or of the Right Honourable Charles Henry Rolle Baron Clinton, his heirs, successors, or assigns, or other the person or persons claiming through or under the Right Honourable Charles Rudolph Baron Clinton, deceased, in respect of any land, soil, shores, foreshores, or hereditaments in or to which the same persons respectively are legally interested or entitled. Saving of rights of Ecclesiastical Commissioners and Baron Clinton.

22.—This order may be cited as "The Penryn Harbour Order, 1870." Short title.

WALTON-ON-THE-NAZE.

Walton-on-the-Naze.

Order for extending the time for completion of the Works, and for Amending "The Walton-on-the-Naze Pier Order, 1864."

1.—This Order shall be construed with the Walton-on-the-Naze Pier Order, 1864, (in this Order called the Order of 1864,) as one Order, and may be cited as the Walton-on-the-Naze Pier Order, 1870, and the Order of 1864 and this Order may be cited together as the Walton-on-the-Naze Piers Orders, 1864 and 1870. Short title.

2.—The time for the completion of the pier and works authorized by the Order of 1864 and this Order shall be five years from the passing of the Act confirming this Order. Extension of time for completion of works.

3.—Section four of the Order of 1864 shall be read as if the words "six thousand pounds" instead of "ten thousand pounds," and "six hundred shares" instead of "one thousand shares," had been inserted therein. Reduction of capital.

4.—When the directors of the Company shall consist of three only, the quorum of a meeting of directors shall be two, and the directors, whether consisting of five or three, may from time to time appoint one of their number as a managing director, who shall have all the powers, rights, and authorities of the directors, until the revocation of such appointment by them. Quorum of directors.

5.—For the purpose of their undertaking and works, or incident thereto, the Company may from time to time, by agreement, enter on, take, and use all or any of the lands and hereditaments situate within the limits of deviation shown on the plans referred to in the Order of 1864, and such other lands as may be required for the purposes of their undertaking. Power to take land by agreement.

Walton-on-the-Naze.
Power to sell or lease undertaking.

6.—The Company may sell or lease their undertaking and works to such person or persons, company, local authority, commissioners, or corporation, upon such terms and under such conditions and restrictions as they may think fit.

Rates for use of boat haven.

7.—The Company may demand and receive in respect of vessels, barges, lighters, boats, and every other description of craft entering or using the boat haven intended to be constructed as shown on the plans and sections of works authorized under the Order of 1864, any rates not exceeding the rates mentioned in the schedule to the Order of 1864, and if the same vessel, barge, lighter, boat, or other craft shall remain in the boat haven more than one week continuously, then the Company may demand and receive for every week or part of a week during which the same vessel shall so remain in the boat haven after the first week, any rates not exceeding the rates mentioned in such schedule.

Certain clauses in the Harbour, Docks, &c. Act, 1847, not incorporated.

8.—Sections 16, 17, 18, and 19 of the Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order or the Order of 1864.

Power to purchase Walton Jetty by agreement.

9.—The Company and the owners of the pier, jetty, or landing place at Walton-on-the-Naze, commonly called or known as the Walton Jetty, may enter into an agreement or agreements for the sale by such owners and the purchase by the Company of such pier, jetty, or landing place, together with the rights, powers, and privileges connected therewith, upon such terms and subject to such conditions and restrictions as may be mutually agreed upon.

Powers to cease in certain events.

10.—In the following cases (that is to say):—

(1.) If within two years from the date of the passing of the Act confirming this Order the works authorized by this Order should not be substantially commenced; or

(2.) If such works, after having been commenced, should be virtually suspended for twelve consecutive calendar months,

the powers by this Order given for executing such works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of such works as shall be then completed, unless the time for completion shall be extended by the special direction of the Board of Trade.

A certificate from the Board of Trade to the effect that the works have not been substantially commenced, or that they have been virtually suspended for twelve consecutive calendar months, shall, for the purposes of this Order, be conclusive evidence of the fact stated in such certificate.

Saving rights under Crown Lands Act, 1866.

11.—This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866," nor shall any works under this Order, or the Order of 1864, be commenced within limits affected by any such rights, interests, powers, authorities, or privileges, without the consent of the Board of Trade having been first obtained.

Orders Confirmation.

A

B I L L

For confirming certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Alum Bay, Dartmouth, Ilfracombe, Penryn, and Walton-on-the-Naze.

(Prepared and brought in by Mr. Shaw Lefevre and Mr. Stansfeld.)

Ordered, by The House of Commons, *to be Printed* 5 *May* 1870.

[Bill 117.]

Under 3 *oz.*

A

B I L L

FOR

Confirming certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Falmouth, Irvine, Kinsale, Mousehole, St. Leonards-on-Sea, and Ventnor. A.D. 1870.

Preamble. 24 & 25 Vict. c. 45.

WHEREAS a provisional order made by the Board of Trade under The General Pier and Harbour Act, 1861, is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

And whereas it is expedient that the several provisional orders made by the Board of Trade under the said Act, and set out in the schedule to this Act, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, as follows:

Confirmation of orders in schedule.

1. The several orders set out in the schedule to this Act shall be and the same are hereby confirmed, and all the provisions thereof in manner and form as they are set out in the said schedule shall, from and after the passing of this Act, have full validity and force.

Short title.

2. This Act may be cited as The Pier and Harbour Orders Confirmation Act, 1870 (No. 2.)

The SCHEDULE OF ORDERS.

1. FALMOUTH.—Maintenance and regulation of harbour.
2. IRVINE.—Amendment of former Order.
3. KINSALE.—Regulation of harbour.
4. MOUSEHOLE.—Amendment of former Order.
5. ST. LEONARDS-ON-SEA.—Construction of pier.
6. VENTNOR.—Construction of pier.

Falmouth.

FALMOUTH.

Order for the maintenance and regulation of the Harbour of Falmouth, in the County of Cornwall.

Incorporation of Commissioners.

1.—There shall be a body of Commissioners for carrying this Order into execution, not exceeding sixteen in number, which Commissioners and their successors are hereby, for the purposes of this Order, incorporated by the name of "the Falmouth Harbour Commissioners," and by that name shall be a body corporate, with perpetual succession and a common seal, and are in this Order called "the Commissioners."

Appointment of the several Commissioners.

2.—The appointment of the Commissioners shall be regulated as follows, that is to say:—

1. The Board of Trade may, if they think fit, appoint two persons to be Commissioners under this Order, and whenever a vacancy is caused by death, resignation, or otherwise, in the office of either of those two Commissioners, may, if they think fit, appoint another person to fill the vacancy, and so toties quoties.
2. The Lord High Admiral, or the Lords Commissioners for executing the office of Lord High Admiral, may, if they think fit, appoint one person to be Commissioner under this Order; and whenever a vacancy is caused by death, resignation, or otherwise in the office of such Commissioner under this Order, may, if they think fit, appoint another person to fill the vacancy, and so toties quoties.
3. The Corporation of Trinity House Deptford Strond may, if they think fit, appoint two persons to be Commissioners under this Order; and whenever a vacancy is caused by death, resignation, or otherwise, in the office of either of those two Commissioners, may, if they think fit, appoint another person to fill the vacancy, and so toties quoties.
4. The Mayor, Aldermen, and Burgesses of the borough of Falmouth, acting by the Town Council of the borough, shall, as soon as may be, appoint two persons to be Commissioners under this Order; and whenever a

vacancy is caused by death, resignation, or otherwise, in the office of either of those two Commissioners, shall appoint another person to fill the vacancy, and so toties quoties.

5. The Falmouth Docks Company, acting by their directors, shall, as soon as may be, appoint two persons to be Commissioners under this Order; and whenever a vacancy is caused by death, resignation, or otherwise, in the office of either of those two Commissioners, shall appoint another person to fill the vacancy, and so toties quoties.

6. The Local Board for the parish of Falmouth shall, as soon as may be, appoint two persons to be commissioners under this Order; and whenever a vacancy is caused by death, resignation, or otherwise, in the office of either of those two Commissioners, shall appoint another person to fill the vacancy, and so toties quoties.

7. The Port of Falmouth Chamber of Commerce shall, as soon as may be, appoint two persons to be Commissioners under this Order; and whenever a vacancy is caused by death, resignation, or otherwise, in the office of any one of those two Commissioners, shall appoint another person to fill the vacancy, and so toties quoties.

8. The Right Honourable John Earl of Kimberley, his heirs and assigns, lords of the manor of Arwenack, shall, as soon as may be, appoint one person to be Commissioner under this Order; and whenever a vacancy is caused by death, resignation, or otherwise, in the office of such Commissioner, shall appoint another person to fill the vacancy, and so toties quoties.

9. The owners of such ships, registered at the port of Falmouth aforesaid, as may not be exempt from payment of tolls, rates, and duties as herein-after mentioned, shall, as soon as may be, appoint two persons to be Commissioners under this Order; and whenever a vacancy is caused by death, resignation, or otherwise, in the office of either of such two Commissioners, shall appoint another person to fill the vacancy, and so toties quoties.

Determination of appointment of Commissioners.

3.—The appointment of any Commissioner under this Order may at any time be determined by the authority, body, or person in whom, in case of the death or resignation of such Commissioner, the appointment of another Commissioner in his place is vested, and each such appointment shall be operative for three years, and no longer (except as in this order otherwise mentioned), but at the end of the term of three years an outgoing Commissioner shall be eligible for re-appointment.

Provisions as to the election of Commissioners by shipowners.

4.—With respect to the election of Commissioners by the registered shipowners of the port of Falmouth, the following provisions shall take effect:—

1. The Commissioners shall hold office for two years and no longer.

2. The first meeting of the owners of ships registered at Falmouth for the election of Commissioners shall be held at the Town Hall of the borough of Falmouth, within one calendar month after the commencement of this Order, at a time to be advertised by Mr. William James Genn, ten days at least, or in his default by a person appointed for the purpose by the Board of Trade five days at least before the day of meeting, by handbills posted in the borough and parish of Falmouth.

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3. Annual meetings of the registered shipowners of the port of Falmouth for the election of Commissioners shall be held at the town hall aforesaid, or at such other place within the limits defined by this Order as the Commissioners shall from time to time appoint, on such day within ten days next before the first day of October in the year one thousand eight hundred and seventy-one, and in each subsequent year, as the said Commissioners shall annually appoint, the place and time of meeting being advertised by the clerk of the Commissioners five days at least before the day of meeting, by handbills posted in the borough and parish of Falmouth.

4. Such only of the registered shipowners of the port of Falmouth as are registered at the commencement of this Order shall be entitled to attend the said first meeting, and to take part and vote in the election of Commissioners thereat.

5. Such only of the said registered shipowners as are registered on or before the thirty-first day of December next preceding each annual meeting shall be entitled to attend the said annual meetings, and take part, and vote in the election of Commissioners thereat respectively.

6. At the first and every such annual meeting a list of the names of the registered shipowners of the port of Falmouth, up to and inclusive of the then last thirty-first day of December, certified under the hand of the collector or other principal officer of Customs of the port, shall be sufficient evidence of the persons named therein being registered shipowners of Falmouth, and as such entitled to attend the meeting and take part and vote in the election thereat. The said collector or principal officer shall supply a copy of such list on the occasion of the said first meeting to the said Mr. William James Genn, or such person to be appointed as aforesaid, and of each such annual meeting to the clerk of the Commissioners, who shall respectively cause a sufficient number of copies thereof to be printed, and shall supply a copy thereof to every person requiring the same, on payment of the sum of sixpence for every one hundred words of such copy; and copies of such list shall be fixed by the said Mr. William James Genn, or such person as aforesaid, and the said Clerk of the Commissioners respectively, on the outer door of the town hall of the borough of Falmouth, two days at least before the day appointed for the first and each such annual meeting.

7. At the first and each such annual election each of the aforesaid registered shipowners shall be entitled to one vote, and no more, for each Commissioner then to be elected.

8. The election of Commissioners at the first and each such annual meeting shall be made by the majority of registered shipowners of the port of Falmouth present at the meeting.

9. Such one of the Commissioners elected by the registered shipowners of Falmouth at the first meeting as is named last on the list of persons elected shall go out of office at the second meeting, but shall be eligible for re-election; such one of them as is named second on the list shall go out of office at the third meeting, but shall be eligible for re-election.

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10. Each Commissioner elected by the said registered shipowners at the annual meeting shall go out of office at the second meeting after his election, but shall be eligible for re-election.

Incorporation of parts of "The Commissioners' Clauses Act 1847."

5.—"The Commissioners Clauses Act, 1847," (except sections six and seven, and sections seventeen to thirty-five, both inclusive,) and except so far as the other sections thereof are inconsistent with this Order, is hereby incorporated with this Order, and the same Act shall, as far as the nature and circumstances of the case will admit, apply to the Commissioners collectively and severally; but with reference to section thirty-nine thereof the prescribed number (constituting a quorum) of the Commissioners shall be three.

Commencement of powers.

6.—The Commissioners shall be deemed fully constituted and have power to act under this Order as soon as five persons have been appointed Commissioners; and any proceeding of the Commissioners shall not be invalidated or be illegal by reason of the non-appointment of or any informality in the appointment of a Commissioner.

Undertakers.

7.—The Commissioners shall be the undertakers of the works authorized by this Order.

Limits of harbour under jurisdiction of the Commissioners.

8.—The limits within which the Commissioners shall have authority (which, except for the purpose of the rates to be levied under this Order, shall be deemed the limits to which this Order extends,) shall include so much of the harbour of Falmouth as lies within the limits of the municipal borough of Falmouth, and is not within the limits defined by the thirty-ninth section of the Falmouth Docks Act, 1859, or by the sixty-fifth section of the Falmouth Docks Act, 1864, as the limits of the jurisdiction of the Falmouth Docks Company.

Works authorized.

9.—The works authorized by this Order, and which may be executed and maintained by the Commissioners, comprise the dredging of the harbour and otherwise improving the same, and the laying down buoys and moorings, and providing other appliances and conveniences for the use of vessels frequenting the harbour.

Assent of Board of Trade to works.

10.—No works for dredging or improving the harbour under this Order shall be commenced without the assent of the Board of Trade having been first obtained.

Power to levy tolls.

11.—The Commissioners may demand and receive, on any, and every, vessel anchoring or mooring within or lying alongside any wharf or quay within so much of the limits of this Order as lies within an imaginary straight line drawn from Zoze point to Pendennis point, any sum not exceeding the rate of one halfpenny per ton register of such vessel: Provided that all vessels forced by stress of weather to seek shelter in the harbour, and not breaking bulk while making use thereof, shall be exempt from rates leviable under this Order: Provided also, that the rates leviable under this Order shall not be demanded or received in respect of the same vessel more than twice in any one year ending on the thirty-first day of December, nor shall any such rates be demanded or received in respect of the vessels of officers of Customs, nor in respect of any vessel anchoring in the harbour of Falmouth on her voyage to or from Penryn, St. Mawes, or the port of Truro: Provided also, that no rates shall be levied

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under this Order within the limits defined by the thirty-ninth section of the Falmouth Docks Act, 1859, or by the sixty-fifth section of the Falmouth Docks Act, 1864, as the limits of the jurisdiction of the Falmouth Docks Company.

Power to borrow.

12.—The Commissioners may from time to time borrow and reborrow, at interest, such money as may be required for the purposes of this Order, not exceeding in the whole the sum of five thousand pounds, on the security of the rates by this Order authorized to be levied.

Application of borrowed money.

13.—Every part of the money borrowed under this Order shall be applied only for the purposes of this Order.

Application of tolls.

14.—The Commissioners shall apply all rates and other income received under this Order for the purposes and in the order following, and not otherwise:—

1. In paying the costs of, and connected with, or incidental to, the preparation and making of this order:
2. In paying the salary of the harbour master, the expenses of maintaining and improving the harbour, and of providing and maintaining in proper condition all buoys, moorings, appliances, and other conveniences belonging to the harbour, and paying all other current expenses of the Commissioners:
3. In paying year by year the interest on money borrowed under this Order:
4. In creating a sinking fund, in manner, and, so far as circumstances will admit, in the proportion, specified in the Commissioners Clauses Act, 1847.

Commissioners may provide dredges, &c.

15.—The Commissioners may, for the purposes of the harbour or any of them, from time to time purchase, provide, lease, or hire such dredges, engines, tugs, vessels, lighters, tools, plant, or other materials as they think fit, and may from time to time demand and receive such sums for the use of the same as they think fit, or may sell or dispose of the same, and the money thereby realized shall be applied for the purposes of this Order or some of them.

Commissioners may take over buoys, &c. from Trinity House.

16.—The Commissioners may at any time, by agreement with the corporation of Trinity House Deptford Strond, take over all buoys, moorings, and other appliances within the harbour now belonging to or under the control of that corporation, and shall thenceforth maintain and have the control of the same buoys, moorings, and other appliances, subject and according to the terms of such agreement.

Provision for anchorage for vessels of Royal Navy.

17.—It shall be the duty of the Commissioners and their harbour master to provide forthwith suitable accommodation for any of Her Majesty's ships entering Falmouth Harbour, and, if necessary, for that purpose to remove any other vessels from any part of the harbour; and the Commissioners or their harbour master shall, at any time, on the requisition of the Lord High Admiral or the Lords Commissioners for executing the office of Lord High Admiral, or of the Commissioners appointed by such Lord High Admiral, or by the Commissioners for executing his office, or of the Commander-in-Chief at Devonport, or the officer in command of any of Her Majesty's ships, being of the rank of captain, cause such portion of the harbour as may be required, including so much of Carrick Roads and Cross Roads as lies between two imaginary straight lines drawn due

east (true) respectively from Trefusis Point, and from Pencarrow or Mylor Point to the eastern shore of the harbour, to be cleared of all vessels so as to enable vessels of the Royal Navy to anchor there, and the Commissioners or their harbour master shall, on such requisition, make due provision for the anchorage of such last-mentioned vessels.

Pilots to be within certain limits subject to harbour master.

18.—All pilots acting within so much of the limits of this Order as lies inside of a line drawn from Zoze point on the east to the Blockhouse at Pendennis Castle on the west, shall, as regards the berthing and mooring of vessels, be subject to and shall obey the directions of the Commissioners or their harbour master; but any pilot who shall misconduct himself shall be amenable only to and punishable only by the pilotage authority of the port of Falmouth, which authority is by this Order required to act accordingly on any complaint preferred to that authority by the Commissioners or their harbour master.

Part V. of 24 & 25 Vict. c. 47. to apply.

19.—Part V of the "Harbours and Passing Tolls, &c., Act, 1861," shall apply to this Order.

Meters and weighers.

20.—The Commissioners shall have the appointment of meters and weighers within the limits of this Order.

Saving rights of Trinity House.

21.—Nothing in this Order contained shall prejudice or affect the rights or jurisdiction of the Corporation of Trinity House Deptford Strond in respect of the Falmouth Harbour Light, the Black Rock Beacon, or any other lights, or any buoys or beacons, or any other matter of which they have the management and control.

Parts of harbours, Docks, &c., Act not incorporated.

22.—The following sections of the Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order, namely, sections six to eleven inclusive, sections sixteen to nineteen inclusive, and sections twenty-five and twenty-six, and, notwithstanding anything in that Act contained, byelaws made under that Act and this Order shall not come into operation until the same have received the allowance and confirmation of the Board of Trade, which shall be sufficient for all purposes.

Saving rights of the Earl of Kimberley, Lord Clinton, and the Redruth Railway Company.

23.—Nothing in this Order contained shall prejudice or affect any property, rights, powers, or privileges of the Right Honorable John Earl of Kimberley, his heirs, successors, or assigns, or of the Right Honorable Charles Henry Rolle, Baron Clinton, his heirs, successors, or assigns, or other the person or persons claiming title through or under the Right Honorable Charles Rudolph Baron Clinton, deceased, or of the Redruth and Chasewater Railway Company, their successors or assigns, in respect of any land, soil, shores, foreshores, or hereditaments in or to which the same persons and company respectively may be interested or entitled.

Reservation of Admiralty authority under 25 & 26 Vict. c. 69, s. 9.

24.—Nothing in this Order contained shall prejudice or affect the powers conferred on the Admiralty, under section 9 of "The Harbours Transfer Act, 1862," but such powers may be exercised in like manner as if this Order had not been made.

Short title.

25.—This Order may be cited as "The Falmouth Harbour Order, 1870."

A.D. 1870.

Irvine.

IRVINE.

Order for amending "The Irvine Harbour Improvement Order, 1867."

Short title.

1. This Order shall be construed with the Irvine Harbour Improvement Order, 1867, (in this Order called the Order of 1867,) as one Order, and may be cited as the Irvine Harbour Order, 1870; and the Order of 1867 and this Order may be cited together as the Irvine Harbour Orders, 1867 and 1870.

Incorporation of Lands and Commissioners Clauses Acts.

2. "The Lands Clauses Consolidation (Scotland) Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," except so much thereof respectively as relates to the purchase and taking of lands otherwise than by agreement, and the clauses of "The Commissioners Clauses Act, 1847," with respect to the mortgages to be executed by the Commissioners, so far as the same are not inconsistent with the provisions of the Order of 1867 and this Order, and with the exception of section eighty-four of the last-mentioned Act, are hereby incorporated with this Order; and the word "Commissioners" in the said clauses of the last-mentioned Act as incorporated with this Order shall mean the Irvine Harbour Trustees.

Power to take lands by agreement.

3. For the purposes of the works authorized by this Order, the trustees may from time to time, by agreement, enter on, take, and use, such lands in, and around, the harbour as may be required for the said works, not exceeding in the whole three acres.

Power to execute works.

4. Subject to the provisions of this Order, and subject also to such alterations, if any, in the deposited plan as the Board of Trade require from time to time before the completion of the works, in order to prevent injury to navigation, the trustees may, on the lands vested in or purchased or acquired by them under the Order of 1867 or this Order, and in the lines and according to the levels and within the limits of deviation shown on the deposited plan and sections, make and maintain the works shown on the deposited plan and sections and herein-after described.

Description of works.

5. The works authorized by this Order comprise the following:—

(1.) A quay or wharf on the south side of the harbour, commencing at the east end of the wharf called the West Wharf, and terminating at the west end of the wharf called the New Wharf; and

(2.) A quay or wharf on the south side of the harbour, commencing at the east end of the said New Wharf, and terminating at or near the north-east corner of the Ballast Dock.

Further powers as to works.

6. The trustees may also from time to time make, erect and maintain all embankments, piers, jetties, piles, loading berths, landing places, rails, tramways, roads, approaches, and other works and conveniences in and connected with the harbour and the quays or wharfs before described.

Quays and wharfs to form part of harbour.

7. The quays and wharfs and other works by this Order authorized shall form part of the harbour, and of the undertaking of the trustees, for all purposes whatsoever.

A.D. 1870.

Irvine.

Extension of time for completion of works authorized by Order of 1867.

8. The time limited by "The General Pier and Harbour Act, 1861, Amendment Act," for the completion of the breakwaters on the north and south sides of the river Irvine authorized by the Order of 1867, and works connected therewith, shall be extended to seven years after the passing of the Act confirming this Order: Provided that the limitation of time specified in "The General Pier and Harbour Act, 1861, Amendment Act," for the completion of works, shall not apply to the works authorized by clause eighteen of the Order of 1867, and that the powers conferred by the said clause may be exercised by the trustees from time to time as they think fit.

Borrowing powers.

9. In addition to the money authorized to be borrowed by the Order of 1867, the trustees may from time to time borrow such money as may be required for the purposes of the works authorized by the Order of 1867 and this Order, not exceeding in the whole the sum of ten thousand pounds, on the security of the harbour and existing works, and of the works authorized by the Order of 1867 and this Order, and of the lands and property connected therewith respectively, and of the rates authorized by the Order of 1867, and any other property of the trustees; and all provisions contained in the Order of 1867 with respect to borrowing by the trustees, and the money borrowed by the trustees under that Order, shall apply to borrowing and the money borrowed under this Order.

Mortgages under this Order to have priority over security to the burgh of Irvine.

10. And whereas the magistrates and council of the burgh of Irvine have agreed to postpone their security for the sum of ten thousand pounds advanced by them to the trustees under the Order of 1867: Therefore all mortgages or assignations in security which may be granted by the trustees for money borrowed under the authority of this Order, shall, during the continuance of such mortgages or assignations in security have priority over any mortgages or assignations in security, or other securities granted by the trustees to the said magistrates and council under the authority of the Order of 1867, for the said sum of ten thousand pounds; and the interest accruing on money borrowed under the authority of this Order shall be paid, by the trustees, year by year out of the money received by them from the rates authorized by the Order of 1867, and the other income coming into their hands, as therein specified, in priority to the interest accruing year by year on the said sum of ten thousand pounds, and the principal moneys borrowed under the authority of this Order shall be repaid by the trustees in priority to the said sum of ten thousand pounds; and the said magistrates and council are hereby authorized to postpone the payment of the said sum of ten thousand pounds, and the interest thereon, as herein provided.

Saving clause.

11. Nothing in this Order contained shall prejudice any security given for money borrowed under the Local Act, seventh George the Fourth, chapter one hundred and seven, and remaining due at the time of the passing of the Act confirming this Order; and every security so given shall have priority over securities given for money borrowed under this Order.

Application of borrowed money.

12. Every part of the money borrowed by the trustees under the authority of this Order shall be applied only for the purposes authorized by the Order of 1867 and this Order.

Irvine.

Exception of parts of Harbours Clauses Act.

13. Sections sixteen, seventeen, eighteen, nineteen, twenty-five and twenty-six of "The Harbours, Docks, and Piers Clauses Act, 1847," shall not be incorporated with this Order.

Construction of Order of 1867.

14. Clause twelve of the Order of 1867 shall be read and construed as if the word "Order" were inserted therein instead of the word "Act" before the word "authorized," and the said word "Act" shall be deemed to be expunged therefrom.

Powers to cease in certain events.

15. In the following cases, (that is to say),

(1.) If within two years from the date of the passing of the Act confirming this Order the works authorized by this Order should not be substantially commenced; or;

(2.) If such works after having been commenced should be virtually suspended for twelve consecutive calendar months.

The powers by this Order given for executing such works or otherwise in relation thereto shall cease to be exercised, except as to so much of such works as shall be then completed, unless the time for completion shall be extended by the special direction of the Board of Trade.

A certificate from the Board of Trade to the effect that the works have not been substantially commenced, or that they have been virtually suspended for twelve consecutive calendar months, shall for the purposes of this Order be conclusive evidence of the fact stated in such certificate.

Saving rights under Crown Lands Act, 1866.

16. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866," nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities or privileges, without the assent of the Board of Trade having been first obtained.

KINSALE.

Kinsale.

Order for the Maintenance and Regulation of the Harbour of Kinsale, in the County of Cork.

Incorporation of Commissioners.

1. There shall be a body of Commissioners for carrying this Order into execution, which Commissioners and their successors are hereby, for the purposes of this Order, incorporated by the name of "The Kinsale Harbour Commissioners," and by that name shall be a body corporate, with perpetual succession and a common seal, and are in this Order called "the Commissioners."

Appointment of the several Commissioners.

2. The Commissioners shall consist of the following persons; that is to say,

1. The several persons for the time being holding the office of Town Commissioners for the borough of Kinsale:
2. The chairman for the time being of the Town Commissioners for the borough of Bandon in the county of Cork:
3. The persons for the time being returned to serve in Parliament as members for the boroughs of Kinsale and Bandon respectively:

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Kinsale.

4. Three persons to be appointed by a majority of the Town Commissioners for the borough of Bandon present at a meeting of such Commissioners duly convened, and held, in accordance with the Acts regulating the proceedings of such Town Commissioners.

Determination of appointment of Commissioners.

3. The appointment of any Commissioner under this Order by the Bandon Town Commissioners may at any time be determined by them, in the same manner in which an appointment of a Commissioner is authorized to be made by them, and each such appointment shall be operative for three years, and no longer, but at the end of the term of three years an outgoing Commissioner under this Order shall be eligible for re-appointment.

Incorporation of parts of "The Commissioners Clauses Act, 1847."

4. "The Commissioners Clauses Act, 1847," (except sections six and seven, and sections seventeen to thirty-five, both inclusive, and except so far as the other sections thereof are inconsistent with this Order,) is hereby incorporated with this Order, and the same Act shall, as far as the nature and circumstances of the case will admit, apply to the Commissioners collectively and severally; but with reference to section thirty-nine thereof the prescribed number (constituting a quorum) of the Commissioners shall be five.

Proceedings not to be invalidated.

5. Any proceeding of the Commissioners shall not be invalidated or be illegal by reason of a vacancy in the appointment or the non-appointment of, or any informality in the appointment of, a Commissioner.

Undertakers.

6. The Commissioners shall be the undertakers of the works authorized by this Order.

Harbour vested in the Commissioners.

7. From and after the 1st day of September 1870, all the estate, right, and interest, and all the powers of the Town Commissioners of Kinsale in and over the harbour of Kinsale, and in and over the property, rights, and privileges connected therewith, and the benefit of, and right to sue in respect of, all contracts by such Town Commissioners in relation to the harbour, shall be and are hereby vested in the Commissioners, subject to any debts, rights, or obligations affecting same, and the said harbour shall be managed, regulated, and improved by the Commissioners under and subject to the provisions of this Order.

Limits of harbour under jurisdiction of the Commissioners.

8. The limits within which the Commissioners shall have authority (which shall be deemed the limits to which this Order extends) shall include so much of the Bandon river and the tidal creeks thereof as lies between Inishannon Bridge on the north, and on the south an imaginary line drawn from extreme low water of Hangman's Point due west across the mouth of the river to the eastern extreme of the townland of Ballynadooly.

Works authorized.

9. The works authorized by this Order, and which may be executed and maintained by the Commissioners, comprise the dredging and deepening of the harbour of Kinsale, and river of Bandon, within the limits of this Order, and otherwise improving the same, and the laying down buoys and moorings, and providing other appliances and conveniences for the use of vessels frequenting the harbour and river.

Assent of Board of Trade to works.

10. No works for dredging or improving the harbour or river under this Order shall be commenced without the assent of the Board of Trade having been first obtained.

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Power to levy tolls.

11. On and after the first day of September, one thousand eight hundred and seventy, the Commissioners may demand and receive in respect of the vessels, goods, and things described in the schedule hereto, any sums not exceeding the rates in that schedule specified, and thenceforth all other rates, tolls, or dues leviable in respect of the harbour shall cease to be levied.

Exemption of certain fishing vessels.

12. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels, when forced by stress of weather to seek shelter in the ports, or on the coasts, of the United Kingdom, shall when forced by stress of weather to make use of said harbour, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Customs officers.

13. Officers of customs being in the execution of their duty shall at all times have free ingress, passage, and egress on, into, along, through, and out of, the harbour by land and with their vessels without payment.

Application of tolls.

14. The Commissioners shall apply all rates, and other income received under this Order, for the purposes and in the order following, and not otherwise:

1. In paying the costs of and connected with or incidental to, the preparation and making of this Order:
2. In paying the salary of the harbour-master, and of any servants or other persons employed by them, the expenses of maintaining, managing, and regulating the harbour, and of providing and maintaining in proper condition all buoys, moorings, appliances, and other conveniences belonging to the harbour, and paying all other current expenses of the commissioners:
3. In paying the cost of executing works authorized by this Order.

Commissioners may provide dredges, &c.

15. The Commissioners may, for the purposes of the harbour, or any of them, from time to time purchase, provide, lease, or hire such dredges, engines, tugs, vessels, lighters, tools, plant, or other materials as they think fit, and may from time to time demand and receive such sums for the use of the same as they think fit, or may sell or dispose of the same, and the money thereby realized shall be applied for the purposes of this Order or some of them.

Meters and weighers.

16. The Commissioners shall have the appointment of meters and weighers within the limits of this Order.

Parts of Harbours, Docks, &c. Act not incorporated.

17. The following sections of the Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order, namely, sections six to eleven inclusive, sections sixteen to nineteen inclusive, and sections twenty-five and twenty-six.

Short title.

18. This Order may be cited as "The Kinsale Harbour Order, 1870."

The SCHEDULE to which the foregoing Order refers.

I.—Rates on Vessels using or entering the Port and Harbour of Kinsale.

	s.	d.
On all coasting vessels and steamers entering the harbour, wind bound, or to discharge, or to load, cargo, of 10 tons registered, or upwards, per registered ton	0	1
On all foreign-going ships anchoring in the harbour, per registered ton	0	1
On all foreign-going ships entering the harbour to discharge or load cargo, per registered ton	0	1½
For every fishing hooker and sailing fishing vessel, whether partly or wholly decked, belonging to the harbour, or entering and using the harbour for the purpose of the fishery, payable in advance, annually the sum of	5	0

II.—Rates on Goods shipped or unshipped, received or delivered within the Port and Harbour of Kinsale.

	s.	d.
Bricks and tiles, per ton	0	1½
Cattle—bulls, cows, oxen, and horses, each	0	1
Cattle—calves, pigs, sheep, and lambs, each	0	0½
Clover, turnips, and other seeds, not being corn, per sack	0	1½
Coals, per ton	0	0¾
Deals, per 120	1	0
Flour, per ton	0	1½
Malt and grain, per ton	0	1½
Gunpowder, per barrel	0	0½
Iron, per ton	0	1½
Ice, per ton	0	1
Lead, per ton	0	1½
Guano, and all other artificial manure, per ton	0	6
Meal, per ton	0	1½
Potatoes, per ton	0	1
Salt, per ton	0	1
Slates, per ton	0	1½
Timber of all kinds, per load of 50 feet	0	2

All other goods not particularly enumerated above.

Light goods, per barrel bulk	0	1
Heavy goods, per ton	0	2

In charging the rates on all goods, the gross weight or measurement of all goods to be taken, and for any less weights, measures, and quantities than those above specified, a proportionate part of the respective rate shall be charged.

Five cubic feet, not exceeding 2½ cwt., to be rated as a barrel bulk; but when the weight of five cubic feet is greater than 2½ cwt., then 2½ cwt. to be rated as a barrel bulk.

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III.—RATES FOR BALLAST.

	s.	d.
All vessels not belonging to the port for any quantity taken on board, to pay, per ton - - -

The SCHEDULE to which the foregoing Order refers.

I.—Rates on Vessels and Boats using the Harbour.

	£	s.	d.
Drift Boats employed on the mackerel fishery, wholly owned by persons resident within the three quarters of a mile radius, by the year:			
If under 28 feet keel - - - - - -	0	15	0
If 28 feet keel and under 36 feet keel - - -	3	0	0
If 36 „ 42 „ - - - -	3	5	0
If 42 „ and upwards - - - -	3	10	0
Drift boats employed on the herring or pilchard fishery, and not in the mackerel fishery, and owned as aforesaid, and so that a boat which shall pay as a mackerel boat shall not be liable to pay again, although also employed in the herring or pilchard fishery, by the year:			
If under 28 feet keel - - - - - -	0	15	0
If 28 feet keel and under 36 feet keel - - -	2	13	6
If 36 „ 42 „ - - - -	2	18	6
If 42 „ and upwards - - - - -	3	3	6
Mackerel, herring or pilchard drivers, owned wholly or in part by persons resident without the three quarters of a mile radius, by the year:			
If under 28 feet keel - - - - - -	1	5	0
If 28 feet keel and under 36 feet keel - - -	3	0	0
If 36 „ and upwards - - - - -	4	0	0
For any of the above drivers, not compounding by the year, for each occasion of entering the harbour, or landing any fish, nets, goods, wares, or merchandise there, whether entering it or not, without distinction as to size - - -	0	2	6
For any of the above drivers not compounding, and lying in the harbour for upwards of fourteen days, unless compelled to do so by stress of weather, so long as they shall be there, per day - - - - - - -	0	0	8½
For all ships or vessels, or boats of any description, ordinarily propelled otherwise than by oars, not being drivers, for every occasion of entering the harbour, or landing any fish, nets, goods, wares, or merchandise there, whether entering it or not, per ton - - - - -	0	0	2
For all ships or vessels, or boats of any description, ordinarily propelled otherwise than by oars, not being drivers, which shall be in the harbour for upwards of six weeks, in addition to the foregoing two pence per ton, per ton per week -	0	0	0½
For all sean boats, including the folyer, (if any,) and cock-boat, and whether with them or without them, by the year -	1	0	0

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Mousehole.

	£	s.	d.
Or if not compounding, then for each occasion on which the sean boat shall enter the harbour, or whether entering or not, shall land fish, nets, geods, wares or merchandise there	0	1	6
Gigs and other rowing boats, by the year, per oar	0	1	0
Gigs and other rowing boats not compounding, on each occasion of entering the harbour	0	0	6

II.—RATES ON FISH AND GOODS SHIPPED OR UNSHIPPED, OR TRANSHIPPED, WITHIN THE LIMITS OF THE HARBOUR.

	s.	d.
Anchors, per cwt.	0	1
Ballast, per ton	0	6
Bones, per ton	1	6
Bone dust, per quarter	0	2
Bricks, per 1,000	1	0
Coals, per ton	0	3
Cordage, per cwt.	0	2
Corn and seeds per quarter	0	3
Cork, per cwt.	0	2
Earthenware, (in casks, hampers, or boxes,) per foot	0	0¼
Fish:		
Herrings, per basket or pad of 240	0	1
Mackerel, per pad of 120	0	1
Pilchards, fresh, whether for salting or consumption, per 120	0	0¼
Pilchards, salt, per hogshead	0	3
Other fish, per cwt.	0	2
Ditto, per basket or pad	0	1
Flax, per ton	3	0
Flour and meal, per sack	0	2
Ditto, per barrel	0	1½
Fruit, per bushel or sieve	0	1
Granite, per ton of 14 cubic feet	0	9
Groceries (not enumerated), per cwt.	0	3
Guano, per ton	1	0
Hardware, per ton	2	6
Hemp, per ton	3	0
Leather, tanned and dressed, per cwt.	0	3
Lime, per 28 bushels	1	0
Limestone, per ton	0	3
Machinery, per ton	2	0
Manure (not enumerated), per ton	0	6
Masts and spars, 10 inches in diameter and upwards, each	0	6
„ „ under 10 inches	0	3
Net, per 5 cubic feet	0	2
Oil-cake, per ton	1	0
Oranges and lemons, per box	0	2
Paint, per cwt.	0	2

	s.	d.
Pitch and tar, per barrel	0	3
Potatoes, per cwt.	0	1
Sails, per cwt.	0	2
Salt, per cwt.	0	0¼
Sand, per ton	0	4
Skins, calf, goat, sheep, lamb, or dog, per dozen	0	6
Slates, per 1,000	0	6
Stones, per ton of 16 cubic feet	0	10
Steel, per ton	3	0
Sugar, per cwt.	0	1
Tallow, soap, and candles, per cwt.	0	1½
Tea, per chest	1	0
Tiles, per 1,000	1	6
Timber, per load	0	6
Tobacco, per cwt.	0	3
Turnips, per ton	0	6
Vegetables (not enumerated), per cwt.	0	4
Vinegar, per hogshead	0	6
Vitriol, per carboy	0	6
Light goods, per cube foot	0	1
Heavy goods, per ton	2	0

In charging the rates on goods, the gross weight or measurement of all goods to be taken; and for any less weights, measures, and quantities than those above specified, a proportion of the respective rates is to be charged.

III.—Rates for use of Cranes, Weighing Machines, and Sheds.

1. *Rate of Cranage.*

	s.	d.
All goods or packages not exceeding 1 ton	0	4
Exceeding 1 ton and not exceeding 2 tons	0	6
„ 2 tons „ 3 „	0	8
„ 3 „ „ 4 „	0	10
„ 4 „ „ 5 „	1	0
„ 5 „ „ 6 „	1	2
„ 6 „ „ 7 „	1	4
„ 7 „ „ 8 „	1	6
„ 8 „ „ 9 „	1	10
„ 9 „ „ 10 „	2	4
„ 10 „	3	6

2. *Weighing Machines.*

For goods weighed, for every ton or part of a ton	0	3

3. *Shed Dues.*

For every ton of goods of 40 cubic feet, for every ton of goods of 20 cwt. which remains in the warehouse or sheds or other works of the company for not longer than forty-eight hours	0	3

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Mouschole.

	s.	d.
And per ton for each day during which the goods remain after first forty-eight hours - - - -	0	2
For any portmanteau, trunk, parcel, or other article of passengers' luggage, for every day or part of a day - - -	0	2

4. *Rates on Passengers and others using the Pier.*

For every bath or sedan chair taken on the pier, for every time -	0	1
For every perambulator taken on the pier, for every time - -	0	1

5. *Rates on Passengers' Luggage landed or embarked or transshipped within the Harbour.*

For every trunk, portmanteau, box, parcel, or other package within the description of luggage :

Exceeding 112 lbs. and not exceeding 140 lbs. -	0	3
„ 140 „ „ „ 196 „ - -	0	4
„ 196 „ „ „ 2 cwt. - -	0	6
And for every cwt. exceeding 2 cwt. - -	0	3
And for every 20lbs. weight in addition - -	0	1

St. Leonards on Sea.

ST. LEONARDS ON SEA.

Order for the construction, maintenance, and regulation of a Pier at St. Leonards on Sea in the County of Sussex.

Incorporation of Company.

1. The following persons, namely, John Clay, Francis Hayman Fowler, and John Starkey, and all other persons and corporations subscribing to the undertaking authorized by this Order, and their executors, administrators, successors, and assigns respectively, shall be and are hereby constituted into a company for the purpose of making, maintaining, and regulating the pier and works authorized by this Order, and for those purposes shall be and are hereby incorporated by the name of "The St. Leonards on Sea Pier Company," and by that name shall be one body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes, but subject to the restrictions, of this Order.

Undertakers.

2. The St. Leonards on Sea Pier Company, in this Order called the Company, shall be the undertakers of the works authorized by this Order.

Incorporation of Clauses Act.

3. The Companies Clauses Consolidation Act, 1845, and Part I. of The Companies Clauses Act, 1863, are hereby incorporated with this Order; and the words "special Act" in such Acts mentioned shall apply to and include this Order.

Capital.

4. The capital of the company shall be fifteen thousand pounds, in one thousand five hundred shares of ten pounds each.

Shares not to be issued until one fifth paid up.

5. The company shall not issue any share created under the authority of this Order, nor shall any such share vest in the person accepting the same, unless and until a sum not being less than one fifth part of the amount of such share has been paid up in respect thereof.

St. Leonards on Sea.

Calls.

6. No call shall exceed two pounds ten shillings a share, or be made payable within three months of a previous call.

Power to create preference shares.

7. The company, with the sanction of at least three fifths in value of the votes of the shareholders, present in person or by proxy at a general meeting specially convened for that purpose, may attach to all or any of the then unissued shares, not exceeding one third part of the capital, dividend at a rate not exceeding five pounds per centum per annum in priority to the dividend on the other shares of the capital.

Borrowing on mortgage.

8. The company from time to time may borrow on mortgage, at interest, any sum or sums of money not exceeding in the whole three thousand seven hundred and fifty pounds, but no money shall be so borrowed until the whole of the capital of fifteen thousand pounds is subscribed for, and one half thereof is paid up, and the company satisfy the justice who certifies under section 40 of The Companies Clauses Consolidation Act, 1845, before he so certifies, that the whole of the capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share has been paid on account thereof, before or at the time of the issue or acceptance thereof, and that the capital was issued bonâ fide, and is held by registered holders thereof legally liable for so much thereof as is not paid up (of which satisfaction the certificate shall be conclusive evidence).

Receiver.

9. The mortgagees of the company may enforce the payment of the arrears of interest or of principal and interest due on their respective mortgages by the appointment of a receiver, and the amount to authorize a requisition for a receiver is five hundred pounds.

No interest or dividend on calls.

10. The company shall not, out of any money raised by calls or borrowing, pay interest or dividend to any shareholder on the amount called up in respect of shares held by him, but this provision shall not prevent the company paying to any shareholder interest on money advanced by him beyond the amount of calls actually made in conformity with the provisions of The Companies Clauses Consolidation Act, 1845.

Money not to be used for deposit under Standing Orders.

11. The company shall not, out of any money so raised, pay or deposit any money that may be required to be paid or deposited in relation to any application to Parliament or the Board of Trade.

Money to be applied for purposes of Order.

12. Every part of the money so raised shall be applied only for the purposes authorized by this Order.

First general meeting.

13. The first general meeting of the company shall be held within six months after the passing of an Act of Parliament confirming this Order, at such time and place as the directors determine.

Number of directors.

14. The number of directors shall not be more than five or less than three.

Quorum of directors.

15. The quorum of a meeting of directors shall be three when the number of directors is five, and two when the number of directors is three.

First directors.

16. John Clay, Francis Hayman Fowler, John Starkey, and two other duly qualified persons to be chosen by them, or a majority of them, shall be the first directors of the company; and shall continue in office till the first general

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St. Leonards on Sea.

meeting of the company, when they shall retire from office, and directors shall be elected by the meeting, the retiring directors being eligible.

Qualification.

17. The qualification of a director elected by the shareholders, or nominated as aforesaid, shall be the holding in his own right of shares in the capital of the company to the aggregate nominal amount of at least one hundred pounds.

Remuneration.

18. The remuneration of the directors shall from time to time be fixed by a general meeting, and shall be divided among the directors as they determine.

Power to take lands by agreement.

19. For the purposes of the works authorized by this Order, the company may from time to time, by agreement, enter on, take, and use all or such parts of the lands shown on the plans deposited for the purposes of this Order as they think requisite for the purposes of theproposed pier and works and the conveniences connected therewith.

Incorporation of Lands Clauses Act.

20. The Lands Clauses Consolidation Act, 1845, except so much thereof as relates to the purchase or taking of lands otherwise than by agreement, and The Lands Clauses Consolidation Acts Amendment Act, 1860, shall be incorporated with this Order.

Power to make works.

21. Subject to the provisions of this Order, and subject also to such alterations, if any, in the amended deposited plans as the Board of Trade require from time to time before the completion of the works, in order to prevent injury to navigation, the company may, on the lands taken by them under this Order, and in the lines and according to the levels shown on the amended deposited plans and sections (so far as the same are shown thereon), and within the limits of deviation shown on those plans, make and maintain the pier and works authorized by this Order.

Description of works authorized.

22. The works authorized by this Order comprise the following:—

A pier at St. Leonard's on Sea in the county of Sussex, with a landing place, and all necessary works and conveniences for the embarking and landing of passengers, goods, and merchandize, and for other purposes, commencing on the Parade at a point eighty-one yards or thereabouts east of the Baths, and extending seawards six hundred and five feet, or thereabouts.

Power to take rates according to Schedule to this Order.

23. The company may for the use of the pier and works demand and receive in respect of the vessels, goods, persons, and things described in the Schedule hereto, any sums not exceeding the rates in that Schedule specified.

Certain fishing vessels under stress of weather exempt from rates.

24. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the pier authorized by this Order, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Company may contract with persons for the use of pier.

25. The company may grant to passengers and promenaders, or others, pass tickets for the use of the pier, on such terms, and for such a period, not exceeding one year, as are agreed on, but so that no preference be given to any person. A pass ticket shall not be transferable, and shall not be used by any person except the person to whom it is granted, or by any person after the period

limited for its use. If any person act in any way in contravention of this provision, or use or attempt to use any false or counterfeit ticket, he shall, for every such offence, be liable to a penalty not exceeding twenty shillings, to be recovered and applied as penalties are recoverable and applicable under The Harbours, Docks, and Piers Clauses Act, 1847, for all the purposes of which Act this Order shall be deemed the special Act.

Custom House officers exempt from rates.

26. Officers of customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress to, on, along, and from, the pier by land, and with their vessels and otherwise, without payment.

Lands for extraordinary purposes.

27. The company shall not purchase for extraordinary purposes lands exceeding in extent in the whole three acres.

Meters and weighers.

28. The company shall have the appointment of meters and weighers on or in connexion with the pier.

Parts of Harbours, &c. Act, 1847, excepted.

29. The following sections of The Harbours, Docks, and Piers Clauses Acts, 1847, shall not be incorporated with this Order, namely, sections sixteen to nineteen, and twenty-one to twenty-three, all inclusive.

Steam engines, diving bells, lighters, &c.

30. The company may provide such steam engines, steam vessels, tugs, piling engines, diving bells, ballast lighters, rubbish lighters, moorings, dredging machines, and other machinery, vessels, and things as they think necessary for effectuating any of the purposes of this Order, and may demand and receive such sums for the use of the same as they think reasonable.

Part V. of 24 & 25 Vict. c. 47. to apply.

31. Part V. of the Harbours and Passing Tolls, &c., Act, 1861, shall apply to the works authorized by this Order.

Restriction on use of pier.

32. Nothing in this Order shall entitle any person with any vessel or boat to ship or unship at the Pier authorized by this Order any sheep, cattle, or merchandize, or to ship or unship there anything which in the judgment of the company might in any manner interfere with the use of the pier for recreation or for the embarking or landing of passengers.

Pier to be deemed within borough of Hastings.

33. The pier and works shall, in respect of all matters, crimes, or offences arising or committed thereon, requiring the cognizance of any justices of the peace, be deemed and taken to be within or as forming part of the borough of Hastings, and within the jurisdiction of the justices of that borough.

Costs of Order.

34. All the costs, charges, and expenses of and preparatory and incident to the obtaining of this Order, and otherwise in relation thereto, shall be paid by the company.

Light to be exhibited.

35. The company shall, at the outer extremity of the pier and works authorized by this Order, exhibit from sunset to sunrise such light (if any) as shall from time to time be directed by the Corporation of Trinity House, Deptford Strond.

Part IV. of Companies Act, 1862, incorporated.

36. Part IV. of The Companies Act, 1862, as to the winding up of companies and associations under that Act, shall be incorporated with this Order, and shall apply to the company in like manner as if it had been a company regstereid under that Act with the liability of its members limited to the amount (if any) unpaid on the shares respectively held by them.

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Powers to cease in certain events.

37. In the following cases (that is to say):—

(1.) If, within two years from the date of the passing of the Act confirming this Order, the works authorized by this Order should not be substantially commenced; or

(2.) If such works, after having been commenced, should be virtually suspended for twelve consecutive calendar months,—

the powers by this Order given for executing such works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of such works as shall be then completed, unless the time for completion shall be extended by the special direction of the Board of Trade.

A certificate from the Board of Trade to the effect that the works have not been substantially commenced, or that they have been virtually suspended for twelve consecutive calendar months, shall, for the purposes of this Order, be conclusive evidence of the fact stated in such certificate.

Saving rights under Crown Lands Act, 1866.

38. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by the The Crown Lands Act, 1866, nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges, without the assent of the Board of Trade having been first obtained.

Short title.

39. This Order may be cited as "The St. Leonards on Sea Pier Order, 1870."

SCHEDULE to which the foregoing Order refers.

I.—RATES ON VESSELS USING THE PIER.	*s.*	*d.*
For every vessel under the burden of 15 tons, per ton	0	4
For every vessel of the burden of 15 tons and under 50 tons, per ton	0	6
For every vessel of the burden of 50 tons and under 100 tons, per ton	0	8
For every vessel of the burden of 100 tons and under 150 tons, per ton	0	10
For every vessel of the burden of 150 tons and upwards, per ton	1	0
All lighters for each trip, per ton	0	2
All boats entirely open, landing or taking on board goods, each	0	6

II.—RATES OF GOODS SHIPPED OR UNSHIPPED AT THE PIER.		
Ale, beer, and porter, per hogshead	0	6
Ale (bottled), per barrel	0	4
Ditto, per dozen bottles	0	1
Anchors, per cwt.	0	9
Anchor stock, per foot run	0	2
Bark, per ton	2	0
Bedding, per bundle	0	3
Beef or pork, per cwt.	0	3
Ditto. per barrel	0	6
Biscuit or bread, per cwt.	0	3
Blubber, per ton of 252 gallons	3	0
Bones and bone dust, per ton	1	6
Bottles, per gross	0	9

		s.	d.
	Bricks, per 1,000	1	6
	Butter and lard, per barrel	0	6
	Ditto, per firkin	0	3
5	Cables, iron or hempen, per ton	3	0
	Canvas, per bolt	0	1
	Casks (empty) not being returned packages, per puncheon	0	3
	Other casks in proportion.		
	Cattle:		
10	Bulls, cows, and oxen, each	3	0
	Calves, each	1	0
	Horses, each	4	0
	Pigs, each	0	6
	Sheep, each	1	0
15	Chalk, per ton	1	0
	Cheese, per cwt.	0	4
	Chimney pots, each	0	3
	Clay, per ton	1	0
	Cloth, haberdashery, &c., per package not exceeding cwt.	0	6
20	Carriages:		
	Chaises and other four-wheeled carriages, each	7	6
	Gigs, carts, and other two-wheeled carriages, each	5	0
	Hand-carts and perambulators, each	1	0
	Coals, per ton	1	0
25	Copper, per ton	3	0
	Cordage, per cwt.	0	3
	Cork, per cwt.	0	6
	Corpses, each	20	0
	Crystal, per box or package	0	6
30	Dogs, each	0	6
	Drugs (in casks, hampers, or boxes), per foot	0	2
	Earthenware (in casks, hampers, or boxes), per foot	0	2
	Earthenware (in crates), per foot	0	1
	Eggs, per box	0	3
35	Fish (dried and salted), per cwt.	0	3
	Ditto, fresh (not enumerated), per cwt.	0	2
	Flax, per ton	2	0
	Flour and meal, per sack	0	4
	Ditto, per barrel	0	3
40	Fruit, per bushel or sieve	0	4
	Furniture (household), per 5 cubic feet	0	4
	Glass, per large crate	1	6
	Ditto, per small crate or case	1	0
	Ditto, per box	0	6
45	Grains and seeds, per quarter	0	6
	Groceries (not enumerated)	0	6
	Guano, per ton	1	6
	Gunpowder, per barrel or keg	0	6
	Hams, bacon, or tongues, per cwt.	0	4

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St. Leonards on Sea.

	s.	d.
Hardware, per ton	2	6
Hares and rabbits, per dozen	0	4
Hay, per ton	1	6
Ditto, per truss	0	2
Hemp, per ton	2	0
Herrings (fresh), per 1,000	0	3
Ditto (cured), per barrel	0	3
Hides:		
Ox, cow, or horse (wet or dry), each	0	2
Iron:		
Bar, bolt, rod, and shots, per ton	1	6
Pig and old, per ton	1	0
Manufactured, per ton	2	6
Pots, each	0	1
Kelp, per ton	2	0
Lead, per ton	2	6
Leather, tanned and dressed, per cwt.	0	3
Lime, per 28 bushels	1	4
Limestone, per ton	1	0
Machinery, per ton	2	6
Manure (not enumerated), per ton	1	0
Masts and spars, 10 inches in diameter and upwards, each	4	6
Ditto, under 10 inches	3	0
Meat (fresh), per cwt	0	6
Milk, per gallon	0	0½
Musical instruments, per cube foot	0	1
Nets, per 5 cube feet	0	4
Oakum, per cwt.	0	2
Oils, per ton	2	0
Oilcake, per ton	2	0
Oranges and lemons, per box	0	6
Ores, per ton	1	0
Oysters, per bushel	0	3
Paint, per cwt.	0	4
Pitch and tar, per barrel	0	6
Potatoes, per cwt.	0	2
Poultry and game, per dozen	0	4
Rags and old rope, per ton	2	0
Sails, per cwt.	0	6
Salt, per cwt.	0	1
Sand, per ton	1	0
Shrimp baskets, each	0	2
Skins:		
Calf, goat, sheep, lamb, or dog, per dozen	0	6
Slates, per ton of 24 cubic feet	2	0
Spirits (Foreign and British), per hogshead	1	0
Ditto, ditto, per gallon	0	1
Stones, per ton of 16 cubic feet	1	6

		s.	d.
	Steel, per ton	3	0
	Sugar, per cwt.	0	3
	Tallow, soap, and candles, per cwt.	0	3
5	Tea, per chest	1	0
	Tiles, per 1,000	1	6
	Tin and zinc, per ton	3	0
	Tobacco, per cwt.	0	6
	Turbot, per score	0	3
10	Turnips, per ton	0	6
	Turpentine and varnish, per barrel	0	6
	Turtle, each	2	6
	Vegetables (not enumerated), per cwt.	0	4
	Vinegar, per hogshead	0	6
15	Vitriol, per carboy	1	0
	Water, per cask	0	3
	Wine, per hogshead	1	0
	Ditto (bottled), per dozen bottles	0	2
	Wood:		
20	Fir, pine, and other descriptions not enumerated, per load of 50 feet	1	6
	Oak or wainscot, per load of 50 feet	2	0
	Firewood, per 216 cubic feet fathom	1	6
	Laths and lathwood, per fathom of 216 cubic feet	2	6
25	Handspikes, per 120	3	0
	Oars, per 120	5	0
	Spars under 22 feet in length, above $2\frac{1}{2}$ and under 4 inches in diameter, per 120	5	0
	Ditto, $2\frac{1}{2}$ inches in diameter and under, per 120	4	0
30	Ditto, 22 feet in length and upwards, and not exceeding 4 inches in diameter, per 120	9	0
	Ditto, above 4 and under 6 inches in diameter, per 120	14	0
	Spokes of wheels not exceeding 2 feet in length, per 120	2	0
	Ditto, exceeding 2 feet in length, per 120	3	0
35	Treenails, per 1,000	2	6
	Wedges, per 1,000	2	6
	Pipe staves, and others in proportion, per 120	2	6
	Lignum vitæ, fustic, logwood, mahogany, and rosewood, per ton	2	0
	Wool, per cwt.	0	4
40	Yarn, per cwt.	0	2

All other Goods not particularly enumerated above.

	Light goods, per cube foot	0	1
	Heavy goods, per ton	2	0

In charging the rates on goods the gross weight or measurement of all goods 45 to be taken; and for any less weights, measures, and quantities than those above specified a portion of the respective rates shall be charged.

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St. Leonards on Sea.

III.—Rates for use of Cranes, Weighing Machines, and Sheds.

1st.—Rates of Cranage.

	s.	d.
All goods of packages not exceeding 1 ton	0	4
Exceeding 1 ton and not exceeding 2 tons	0	6
Exceeding 2 tons and not exceeding 3 tons	0	8
Exceeding 3 tons and not exceeding 4 tons	0	10
Exceeding 4 tons and not exceeding 5 tons	1	0
Exceeding 5 tons and not exceeding 6 tons	1	2
Exceeding 6 tons and not exceeding 7 tons	1	4
Exceeding 7 tons and not exceeding 8 tons	1	6
Exceeding 8 tons and not exceeding 9 tons	1	10
Exceeding 9 tons and not exceeding 10 tons	2	4
Exceeding 10 tons	3	6

2nd.—Weighing Machine.

For goods weighed, for each ton or part of a ton	0	2

3rd.—Shed Dues.

For each ton of goods of 40 cubic feet, or for each ton of goods of 20 cwt., which shall remain in the sheds or other works of the pier for a longer time than 48 hours, the sum of 3*d.*, and the sum of 1½*d.* per ton for each day during which such goods shall remain after first 48 hours.		
For any portmanteau, trunk, parcel, or other article of passengers' luggage, for each day or part of a day, per package	0	2

IV.—Rates for supplying Water on Pier.

Water, per 1,000 gallons	10	0

V.—Rates on Passengers and Promenaders using the Pier.

For every passenger or other person who shall land on the pier from, or embark from it on board of, any ship, vessel, packet or passage boat, for each and every time, any sum not exceeding	0	6
For every person who shall use the pier for the purpose of walking, for exercise, pleasure, or any other purpose, except for embarking or disembarking, for each and every time any sum not exceeding	0	3
For every bath or sedan chair taken on the pier, for each and every time, not exceeding	0	6
For every perambulator	0	2
For every master of any vessel, boat, or wherry, being an inhabitant of the parish of St. Leonards on Sea, and using the said pier for the purpose of going to or returning from his own vessel, boat, or wherry, an annual sum not exceeding	20	0

VI.—Rates on Passengers' Luggage.

For every trunk, portmanteau, box, parcel, or other package within the description of luggage, not exceeding 28 lbs.	0	2
Over 28 lbs. and not exceeding 84 lbs.	0	4
Over 84 lbs. and not exceeding 112 lbs.	0	5
Over 112 lbs. and not exceeding 140 lbs.	0	6
Over 140 lbs. and not exceeding 196 lbs.	0	7
Over 196 lbs. and not exceeding 2 cwt.	0	8
And for every cwt. beyond	0	4
And for every 20 lbs. weight in addition	0	1

VENTNOR.

Order for the Construction, Maintenance, and Regulation of a Pier, Sea Wall, Embankment, and Esplanade, at Ventnor in the Isle of Wight.

Incorporation of Company.

1.—The following persons, namely, John Burt, Fletcher Moor, Henry William May, and all other persons and corporations subscribing to the undertaking authorized by this Order, and their executors, administrators, successors, and assigns respectively, shall be and are hereby constituted into a Company for the purpose of making, maintaining, and regulating the pier, sea wall, embankment, esplanade, and works authorized by this Order, and for those purposes shall be and are hereby incorporated by the name of "The Ventnor Pier and Esplanade Company," and by that name shall be one body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes, but subject to the restrictions, of this Order.

Undertakers.

2.—The Ventnor Pier and Esplanade Company, in this Order called "the Company," shall be the undertakers of the works authorized by this Order.

Incorporation of Clauses Acts.

3.—"The Companies Clauses Consolidation Act, 1845," Part I. of "The Companies Clauses Act, 1863," "The Lands Clause Consolidation Act, 1845," except so much as relates to the purchase or taking of lands otherwise than by agreement, and "The Lands Clauses Consolidation Acts Amendment Act, 1860," shall respectively be incorporated with this Order, and the words "Special Act," in such Acts mentioned shall apply to and include this Order.

Capital.

4.—The capital of the Company shall be thirty-five thousand pounds in seven thousand shares of five pounds each.

Shares not to be issued until one-fifth part paid up.

5.—The Company shall not issue any share created under the authority of this Order, nor shall any such share vest in the person accepting the same, unless and until a sum, not being less than one-fifth part of the amount of such share, has been paid in respect thereof.

Calls.

6.—No call shall exceed one pound a share, or be made payable within three months of a previous call.

Power to create preference shares.

7.—The Company, with the sanction of at least three fifths in value of the votes of the shareholders present, in person or by proxy, at a general meeting

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Ventnor.

specially convened for that purpose, may attach to all or any of the then unissued shares, not exceeding one-third part of the capital, dividend at a rate not exceeding five pounds per centum per annum, in priority to the dividend on the other shares of the capital.

Borrowing on mortgage.

8.—The Company may, from time to time, borrow and take up on mortgage or by way of debentures at interest, any sums not exceeding in the whole eleven thousand six hundred pounds; but no moneys shall be so borrowed until the whole of the capital of thirty-five thousand pounds is subscribed for, and one half thereof is paid up, and the Company satisfy the Justice who certifies under section forty of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of the capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one-fifth part of the amount of each separate share has been paid on account thereof before or at the time of the issue or acceptance thereof, and that the capital was issued bonâ fide, and is held by registered holders thereof legally liable for so much thereof as is not paid up (of which satisfaction the certificate shall be conclusive evidence).

Receiver.

9.—The mortgagees or debenture holders of the Company may enforce the payment of the arrears of interest, or of principal and interest, due on their respective mortgages, by the appointment of a receiver, and the amount to authorize a requisition for a receiver is one thousand pounds.

No interest or dividend on calls.

10.—The Company shall not, out of any money raised by calls or borrowing, pay interest or dividend to any shareholder on the amount called up in respect of shares held by him; but this provision shall not prevent the Company paying to any shareholder interest on any money advanced by him beyond the amount of calls actually made in conformity with "The Companies Clauses Consolidation Act, 1845."

Money not to be used for deposit under Standing Orders, &c.

11.—The Company shall not, out of any money so raised, pay or deposit any money required to be paid or deposited in relation to any application to Parliament or the Board of Trade.

Money to be applied for purposes of Order.

12.—Every part of the money so raised shall be applied only for the purposes authorized by this Order.

First general meeting.

13.—The first general meeting of the Company shall be held within twelve months after the passing of an Act of Parliament confirming this Order, at such time and place as the directors determine.

Number of directors.

14.—The number of directors shall be not more than six nor less than three.

Quorum of directors.

15.—The quorum of a meeting of directors shall be three, and when the number of directors is reduced to three, the quorum shall be two.

First directors.

16.—John Burt, Fletcher Moor, and Henry William May, with such other shareholders (if any) as they may add to their number, shall be the first directors; and the first directors shall continue in office until the first general meeting of the Company, when they shall retire from office, and directors shall be elected by the meeting, the retiring directors being eligible for re-election.

Qualification.

17.—The qualification of a director elected by the shareholders, or nominated as aforesaid, shall be the holding, in his own right, of at least ten shares in the capital of the Company.

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Remuneration.

18.—The remuneration of the directors shall, from time to time, be fixed by a general meeting, and shall be divided among the directors as they determine.

Power to take lands by agreement.

19.—For the purposes of the works authorized by this Order, the Company may, from time to time, by agreement, enter on, take, and use all or such parts of the lands shown on the plans deposited for the purposes of this Order as they think requisite for the purposes of the proposed pier, sea wall, embankment, esplanade, and works, and the conveniences connected therewith.

Lands for extraordinary purposes.

20.—The Company may purchase and hold, for extraordinary purposes, any land not exceeding in the whole five acres.

Power to make works.

21.—Subject to the provisions of this Order, and subject also to such alterations (if any) in the deposited plans as the Board of Trade require from time to time before the completion of the works, in order to prevent injury to navigation, the Company may, on the lands taken by them under this Order, in the lines and according to the levels shown on the deposited plans and sections (so far as the same are shown thereon), and within the limits of deviation shown on those plans, make and maintain the pier, sea wall, embankment, esplanade, and works authorized by this Order.

Description of works authorized.

22.—The works authorized by this Order comprise the following:

1. A pier, with all necessary works, approaches, buildings, and conveniences in connexion therewith, for the embarking and landing of passengers, cattle, goods, and merchandize, and for other purposes, commencing in the parish of Ventnor, in the Isle of Wight, at or near the point where the public road from Mill Street runs into the esplanade, and extending in a southerly direction across the foreshore and into the sea for about 700 feet.

2. A sea wall or embankment and esplanade, with all necessary works in connexion therewith, extending from the commencement of the pier eastward, along the shore between high and low water mark, for a distance of about 640 yards.

Power to take rates in Schedule.

23.—The Company may, for the use of the pier and works connected therewith, demand and take in respect of the vessels, persons, and goods in the Schedule to this Order specified, any sums not exceeding the rates in that Schedule specified.

Lease of refreshment rooms and tolls, &c.

24.—The Company may erect upon the pier or approaches, toll houses, waiting, refreshment, and other rooms, and may lease such houses and rooms, and may also lease the tolls, rates, and duties authorized to be taken by this Order, upon such terms and conditions, and for such period (not exceeding seven years), as they think fit.

Certain fishing vessels under stress of weather exempt from rates.

25.—Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coast of the United Kingdom shall, when forced by stress of weather to make use of the pier authorized by this Order, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

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Pass tickets for use of pier.

26.—The Company may grant to passengers, promenaders, and other persons, pass tickets for the use of the pier and works, at such rates, on such terms, and for such periods, not exceeding one year, as may be agreed upon, but so that no preference be given to any person. A pass ticket shall not be transferable, and shall not be used by any person other than the person to or for whom it is granted, or by any person after the period limited for its use. If any person acts in any way in contravention of this provision, or uses or attempts to use any false or counterfeit pass ticket, he shall for every such offence be liable to a penalty not exceeding twenty shillings, recoverable and applicable as penalties are recoverable and applicable under "The Harbours, Docks, and Piers Clauses Act, 1847," for all the purposes of which Act this Order shall be deemed the Special Act.

Exemption of custom house officers from rates.

27.—Officers of customs, in the execution of their duty, shall at all times have free egress, passage, and ingress from, to, and over, the pier and works by land, and with their vessels, without payment.

Steam engines, diving bells, lighters, &c.

28.—The Company may provide and use such steam engines, steam vessels, piling engines, diving bells, ballast lighters, rubbish lighters, barges, boats, cranes, buoys, mooring posts, mooring craft, weighing machines, tackle, and other machinery, vessels, apparatus, and conveniences as they think proper, for carrying on the business of the Company, or for any of the purposes of this Order, and may demand and take such sums for the use thereof as they think reasonable.

Meters and weighers.

29.—The Company shall have the appointment of meters and weighers on or in connexion with the pier.

Light to be exhibited.

30.—The Company shall, at the outer extremity of the pier and works authorized by this Order, exhibit from sunset to sunrise such light (if any) as shall from time to time be directed by the Corporation of Trinity House, Deptford Strond.

Restriction on use of pier.

31.—Nothing in this Order shall entitle any person with any vessel or boat to ship or unship at the pier authorized by this Order any sheep, cattle, or merchandize, or to ship or unship there anything which, in the judgment of the Company, might in any manner interfere with the use of the pier for recreation, or for the embarking or landing of passengers.

Parts of Harbours, &c. Act excepted.

32.—Sections sixteen to nineteen inclusive of "The Harbours, Docks, and Piers Clauses Act, 1847," shall not be incorporated with this Order.

Part IV. of Companies Act, 1862, incorporated.

33.—Part IV. of the Companies Act, 1862, as to the winding up of Companies and Associations under that Act, shall be incorporated with this Order, and shall apply to the Company in like manner as if it had been a Company registered under that Act with the liability of its members limited to the amount (if any) unpaid on the shares respectively held by them.

Powers to cease in certain events.

34.—In the following cases (that is to say):—

(1.) If within two years from the date of the passing of the Act confirming this Order the works authorized by this Order should not be substantially commenced; or

(2.) If such works, after having been commenced, should be virtually suspended for twelve consecutive calendar months,—

the powers by this Order given for executing such works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of such works as shall be then completed, unless the time for completion shall be extended by the special direction of the Board of Trade.

A certificate from the Board of Trade to the effect that the works have not been substantially commenced, or that they have been virtually suspended for twelve consecutive calendar months, shall, for the purposes of this Order, be conclusive evidence of the fact stated in such certificate.

Saving rights under "Crown Lands Act, 1866."

35.—This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866," nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges, without the assent of the Board of Trade having been first obtained.

Short title.

36.—This Order may be cited as "The Ventnor Pier and Esplanade Order, 1870."

SCHEDULE to which the foregoing Order refers.

I.—Rates on Vessels using the Pier.

	s.	*d.*
For every vessel under the burden of 15 tons, per ton	0	4
For every vessel of the burden of 15 tons and under 50 tons, per ton	0	6
For every vessel of the burden of 50 tons and under 100 tons, per ton	0	8
For every vessel of the burden of 100 tons and under 150 tons, per ton	0	10
For every vessel of the burden of 150 tons and upwards, per ton	1	0
All lighters, for each trip, per ton	0	6
All boats entirely open, landing or taking on board goods, each	0	6

II.—Rates for Goods shipped or unshipped at the Pier.

Light Goods, per cube foot	0	1
Heavy Goods, per ton	2	0

In charging the rates on goods, the gross weight or measurement of all goods to be taken; and for any less weights, measures, and quantities than those above specified, a portion of the respective rates shall be charged.

III.—Rates for use on Weighing Machines.

For goods weighed, for each ton or part of a ton	0	2

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IV.—RATES ON PASSENGERS AND PROMENADERS USING THE PIER.

	s.	*d.*
For every passenger or other person who shall land on the pier from, or embark from it on board of, any ship, vessel, packet, or passage boat, for each time any sum not exceeding - - - -	0	4
For every person who shall use the pier for the purpose of walking for exercise, pleasure, or any other purpose, except for embarking or disembarking, for each time any sum not exceeding - -	0	2
For every bath or sedan chair taken on the pier, for each time any sum not exceeding - - - - - -	0	6
For every perambulator taken on the pier, for each time any sum not exceeding - - - - - - - -	0	2
For every master of any vessel, boat, or wherry, being an inhabitant of the parish of Ventnor, and using the said pier for the purpose of going to or returning from his own vessel, boat, or wherry, an annual sum not exceeding - - - -	20	0

V.—RATES ON PASSENGERS' LUGGAGE.

For every trunk, portmanteau, box, parcel, or other package within the description of luggage, not exceeding 28 lbs. - - -	0	2
Over 28 lbs. and not exceeding 84 lbs. - - -	0	4
Over 84 lbs. and not exceeding 112 lbs. - - -	0	5
Over 112 lbs. and not exceeding 140 lbs. - - -	0	6
Over 140 lbs. and not exceeding 196 lbs. - - - -	0	7
Over 196 lbs. and not exceeding 2 cwt. - -	0	8
And for every cwt. beyond - - - - - -	0	4
And for every 20 lbs. weight in addition - -	0	1

Pier and Harbour Orders Confirmation (No. 2.)

A

BILL

For confirming certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Falmouth, Irvine, Kinsale, Mousehole, St. Leonards-on-Sea, and Ventnor.

(*Prepared and brought in by Mr. Shaw Lefevre and Mr. Stansfeld.*)

Ordered, by The House of Commons, *to be Printed*, 30 *May* 1870.

[Bill 154.]

Under 5 *oz.*

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

FOR

Confirming certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Falmouth, Irvine, Kinsale, Mousehole, St. Leonards-on-Sea, and Ventnor. A.D. 1870.

WHEREAS a provisional order made by the Board of Trade under The General Pier and Harbour Act, 1861, is not of any validity or force whatever until the confirmation thereof by Act of Parliament: Preamble. 24 & 25 Vict. c. 45.

And whereas the Board of Trade have made certain provisional orders under the said Act relating to Falmouth, Irvine, Kinsale, Mousehole, St. Leonards-on-Sea, and Ventnor:

And whereas the said Falmouth order has been amended by Parliament, and that order as so amended and the several other orders as made by the Board of Trade are set out in the schedule to this Act:

And whereas it is expedient that the said orders be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The several orders set out in the schedule to this Act shall be and the same are hereby confirmed, and all the provisions thereof in manner and form as they are set out in the said schedule shall, from and after the passing of this Act, have full validity and force. Confirmation of orders in schedule.

2. This Act may be cited as The Pier and Harbour Orders Confirmation Act, 1870 (No. 2.) Short title.

The SCHEDULE OF ORDERS.

1. FALMOUTH.—Maintenance and regulation of harbour.
2. IRVINE.—Amendment of former Order.
3. KINSALE.—Regulation of harbour.
4. MOUSEHOLE.—Amendment of former Order.
5. ST. LEONARDS-ON-SEA.—Construction of pier.
6. VENTNOR.—Construction of pier.

Falmouth.

FALMOUTH.

Order for the maintenance and regulation of the Harbour of Falmouth, in the County of Cornwall.

Incorporation of Commissioners.

1.—There shall be a body of Commissioners for carrying this Order into execution, not exceeding sixteen in number, which Commissioners and their successors are hereby, for the purposes of this Order, incorporated by the name of "the Falmouth Harbour Commissioners," and by that name shall be a body corporate, with perpetual succession and a common seal, and are in this Order called "the Commissioners."

Appointment of the several Commissioners.

2.—The appointment of the Commissioners shall be regulated as follows, that is to say:—

1. The Board of Trade may, if they think fit, appoint one person to be Commissioner under this Order, and whenever a vacancy is caused by death, resignation, or otherwise, in the office of such Commissioner, may, if they think fit, appoint another person to fill the vacancy, and so toties quoties.
2. The Lord High Admiral, or the Lords Commissioners for executing the office of Lord High Admiral, may, if they think fit, appoint one person to be Commissioner under this Order; and whenever a vacancy is caused by death, resignation, or otherwise, in the office of such Commissioner under this Order, may, if they think fit, appoint another person to fill the vacancy, and so toties quoties.
3. The Corporation of Trinity House Deptford Strond may, if they think fit, appoint one person to be a Commissioner under this Order; and whenever a vacancy is caused by death, resignation, or otherwise, in the office of such Commissioner, may, if they think fit, appoint another person to fill the vacancy, and so toties quoties.
4. The Mayor, Aldermen, and Burgesses of the borough of Falmouth, acting by the Town Council of the borough, shall, as soon as may be, appoint four persons to be Commissioners under this Order; and whenever a vacancy is caused by death, resignation, or otherwise, in the office of either of those four Commissioners, shall appoint another person to fill the vacancy, and so toties quoties.

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Falmouth.

5. The Falmouth Docks Company, acting by their directors, shall, as soon as may be, appoint one person to be Commissioner under this Order; and whenever a vacancy is caused by death, resignation, or otherwise, in the office of such Commissioner, shall appoint another person to fill the vacancy, and so toties quoties.

6. The Local Board for the parish of Falmouth shall, as soon as may be, appoint four persons to be Commissioners under this Order; and whenever a vacancy is caused by death, resignation, or otherwise, in the office of either of those four Commissioners, shall appoint another person to fill the vacancy, and so toties quoties.

7. The Right Honourable John Earl of Kimberley, his heirs and assigns, lords of the manor of Arwenack, shall, as soon as may be, appoint one person to be Commissioner under this Order; and whenever a vacancy is caused by death, resignation, or otherwise, in the office of such Commissioner, shall appoint another person to fill the vacancy, and so toties quoties.

8. The owners of such ships, registered at the port of Falmouth aforesaid, as may not be exempt from payment of tolls, rates, and duties as herein-after mentioned, shall, as soon as may be, appoint three persons to be Commissioners under this Order; and whenever a vacancy is caused by death, resignation, or otherwise, in the office of either of such three Commissioners, shall appoint another person to fill the vacancy, and so toties quoties.

Determination of appointment of Commissioners.

3.—The appointment of any Commissioner under this Order may at any time be determined by the authority, body, or person in whom, in case of the death or resignation of such Commissioner, the appointment of another Commissioner in his place is vested, and each such appointment shall be operative for three years, and no longer, but at the end of the term of three years an outgoing Commissioner shall be eligible for re-appointment.

Provisions as to the election of Commissioners by shipowners.

4.—With respect to the election of Commissioners by the registered shipowners of the port of Falmouth, the following provisions shall take effect:—

1. The first meeting of the owners of ships registered at Falmouth for the election of Commissioners shall be held at the Town Hall of the borough of Falmouth, within one calendar month after the commencement of this Order, at a time to be advertised by Mr. William James Genn, ten days at least, or in his default by a person appointed for the purpose by the Board of Trade five days at least before the day of meeting, by handbills posted in the borough and parish of Falmouth.

2. Annual meetings of the registered shipowners of the port of Falmouth for the election of Commissioners shall be held at the town hall aforesaid, or at such other place within the limits defined by this Order as the Commissioners shall from time to time appoint, on such day within ten days next before the first day of October in the year one thousand eight hundred and seventy-one, and in each subsequent year, as the said Commissioners shall annually appoint, the place and time of meeting being advertised by the clerk of the Commissioners five days at least before the day of meeting, by handbills posted in the borough and parish of Falmouth.

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3. Such only of the registered shipowners of the port of Falmouth as are registered at the commencement of this Order shall be entitled to attend the said first meeting, and to take part and vote in the election of Commissioners thereat.

4. Such only of the said registered shipowners as are registered on or before the thirty-first day of December next preceding each annual meeting shall be entitled to attend the said annual meetings, and take part, and vote in the election of Commissioners thereat respectively.

5. At the first and every such annual meeting a list of the names of the registered shipowners of the port of Falmouth, up to and inclusive of the then last thirty-first day of December, certified under the hand of the collector or other principal officer of Customs of the port, shall be sufficient evidence of the persons named therein being registered shipowners of Falmouth, and as such entitled to attend the meeting and take part and vote in the election thereat. The said collector or principal officer shall supply a copy of such list on the occasion of the said first meeting to the said Mr. William James Genn, or such person to be appointed as aforesaid, and of each such annual meeting to the clerk of the Commissioners, who shall respectively cause a sufficient number of copies thereof to be printed, and shall supply a copy thereof to every person requiring the same, on payment of the sum of sixpence for every one hundred words of such copy; and copies of such list shall be fixed by the said Mr. William James Genn, or such person as aforesaid, and the said Clerk of the Commissioners respectively, on the outer door of the town hall of the borough of Falmouth, two days at least before the day appointed for the first and each such annual meeting.

6. At the first and each such annual election each of the aforesaid registered shipowners shall be entitled to one vote, and no more, for each Commissioner then to be elected.

7. The election of Commissioners at the first and each such annual meeting shall be made by the majority of registered shipowners of the port of Falmouth present at the meeting.

8. Such one of the Commissioners elected by the registered shipowners of Falmouth at the first meeting as is named last on the list of persons elected shall go out of office at the second meeting, but shall be eligible for re-election; such one of them as is named second on the list shall go out of office at the third meeting, but shall be eligible for re-election. Such one of them as is named third on the list shall go out of office at the fourth annual meeting, but shall be eligible for re-election.

9. Each Commissioner elected by the said registered shipowners at the annual meeting shall go out of office at the third meeting after his election, but shall be eligible for re-election.

Incorporation of parts of "The Commissioners Clauses Act, 1847."

5.—"The Commissioners Clauses Act, 1847," (except sections six and seven, and sections seventeen to thirty-five, both inclusive, and except so far as the other sections thereof are inconsistent with this Order,) is hereby incorporated with this Order, and the same Act shall, as far as the nature and circumstances of the case will admit, apply to the Commissioners collectively and severally;

but with reference to section thirty-nine thereof the prescribed number (constituting a quorum) of the Commissioners shall be three.

Commencement of powers.

6.—The Commissioners shall be deemed fully constituted and have power to act under this Order as soon as five persons have been appointed Commissioners; and any proceeding of the Commissioners shall not be invalidated or be illegal by reason of the non-appointment of or any informality in the appointment of a Commissioner.

Undertakers.

7.—The Commissioners shall be the undertakers of the works authorized by this Order.

Limits of harbour under jurisdiction of the Commissioners.

8.—The limits within which the Commissioners shall have authority (which, except for the purpose of the rates to be levied under this Order, shall be deemed the limits to which this Order extends,) shall include so much of the harbour of Falmouth as lies within the limits of the municipal borough of Falmouth, and is not within the limits defined by the thirty-ninth section of the Falmouth Docks Act, 1859, or by the sixty-fifth section of the Falmouth Docks Act, 1864, as the limits of the jurisdiction of the Falmouth Docks Company.

Works authorized.

9.—The works authorized by this Order, and which may be executed and maintained by the Commissioners, comprise the dredging of the harbour and otherwise improving the same, and the laying down buoys and moorings, and providing other appliances and conveniences for the use of vessels frequenting the harbour.

Assent of Board of Trade to works.

10.—No works for dredging or improving the harbour under this Order shall be commenced without the assent of the Board of Trade having been first obtained.

Commissioners to appoint Police.

11.—The Commissioners shall, in accordance with the provisions of sections seventy-nine and eighty of the Harbours, Docks, and Piers Clauses Act, 1847, nominate such number of persons as they may deem necessary to be special constables within the limits of this Order, and from and after the commencement of this Order all the rights and obligations of the corporation of the municipal borough of Falmouth with regard to the appointment and control of police in or over the harbour of Falmouth shall cease and determine.

Incorporation of parts of Towns Police Clauses Act, 1847.

12.—Clauses one to twenty inclusive, thirty to thirty-three inclusive, and clause sixty-nine of the Towns Police Clauses Act, 1847, are hereby incorporated with this Order.

Power to levy tolls.

13.—The Commissioners may demand and receive, on any, and every, vessel anchoring or mooring within or lying alongside any wharf or quay within so much of the limits of this Order as lies within an imaginary straight line drawn from Zoze point to Pendennis point, any sum not exceeding the rate of one halfpenny per ton register of such vessel: Provided that all vessels forced by stress of weather to seek shelter in the harbour, and not breaking bulk while making use thereof, shall be exempt from rates leviable under this Order: Provided also, that the rates leviable under this Order shall not be demanded or received in respect of the same vessel more than twice in any one year ending on the thirty-first day of December, nor shall any such rates be demanded or received in respect of the vessels of officers of Customs, nor in respect of any vessel anchoring in the harbour of Falmouth on her voyage to or from Penryn,

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St. Mawes, or the port of Truro: Provided also, that no rates shall be levied under this Order within the limits defined by the thirty-ninth section of the Falmouth Docks Act, 1859, or by the sixty-fifth section of the Falmouth Docks Act, 1864, as the limits of the jurisdiction of the Falmouth Docks Company.

Power to borrow.

14.—The Commissioners may from time to time borrow and reborrow, at interest, such money as may be required for the purposes of this Order, not exceeding in the whole the sum of five thousand pounds, on the security of the rates by this Order authorized to be levied.

Application of borrowed money.

15.—Every part of the money borrowed under this Order shall be applied only for the purposes of this Order.

Application of tolls.

16.—The Commissioners shall apply all rates and other income received under this Order for the purposes and in the order following, and not otherwise:—

1. In paying the costs of, and connected with, or incidental to, the preparation and making of this Order, and the expenses of the corporation of Falmouth to an amount not exceeding one hundred and fifty pounds:
2. In paying the salaries of the harbour master and harbour police, the expenses of watching, maintaining, and improving the harbour, and of providing and maintaining in proper condition all buoys, moorings, appliances, and other conveniences belonging to the harbour, and paying all other current expenses of the Commissioners:
3. In paying year by year the interest on money borrowed under this Order:
4. In creating a sinking fund, in manner, and, so far as circumstances will admit, in the proportion, specified in the Commissioners Clauses Act, 1847.

Commissioners may provide dredges, &c.

17.—The Commissioners may, for the purposes of the harbour or any of them, from time to time purchase, provide, lease, or hire such dredges, engines, tugs, vessels, lighters, tools, plant, or other materials as they think fit, and may from time to time demand and receive such sums for the use of the same as they think fit, or may sell or dispose of the same, and the money thereby realized shall be applied for the purposes of this Order or some of them.

Commissioners may take over buoys, &c. from Trinity House.

18.—The Commissioners may at any time, by agreement with the corporation of Trinity House Deptford Strond, take over all buoys, moorings, and other appliances within the harbour now belonging to or under the control of that corporation, and shall thenceforth maintain and have the control of the same buoys, moorings, and other appliances, subject and according to the terms of such agreement.

Provision for anchorage for vessels of Royal Navy.

19.—It shall be the duty of the Commissioners and their harbour master to provide forthwith suitable accommodation for any of Her Majesty's ships entering Falmouth Harbour, and, if necessary, for that purpose to remove any other vessels from any part of the harbour; and the Commissioners or their harbour master shall, at any time, on the requisition of the Lord High Admiral or the Lords Commissioners for executing the office of Lord High Admiral, or of the Commissioners appointed by such Lord High Admiral, or by the Commissioners for executing his office, or of the Commander-in-Chief at Devonport, or the officer in command of any of Her Majesty's ships, being of the rank of captain, cause such portion of the harbour as may be required, including so much of Carrick Roads and Cross Roads as lies between two imaginary straight lines drawn due

east (true) respectively from Trefusis Point, and from Pencarrow or Mylor Point to the eastern shore of the harbour, to be cleared of all vessels so as to enable vessels of the Royal Navy to anchor there, and the Commissioners or their harbour master shall, on such requisition, make due provision for the anchorage of such last-mentioned vessels.

Pilots to be within certain limits subject to harbour master.

20.—All pilots acting within so much of the limits of this Order as lies inside of a line drawn from Zoze point on the east to the Blockhouse at Pendennis Castle on the west, shall, as regards the berthing and mooring of vessels, be subject to and shall obey the directions of the Commissioners or their harbour master; but any pilot who shall misconduct himself shall be amenable only to and punishable only by the pilotage authority of the port of Falmouth, which authority is by this Order required to act accordingly on any complaint preferred to that authority by the Commissioners or their harbour master.

Part V. of 24 & 25 Vict. c. 47. to apply.

21.—Part V of the "Harbours and Passing Tolls, &c., Act, 1861," shall apply to this Order.

Meters and weighers.

22.—The Commissioners shall have the appointment of meters and weighers within the limits of this Order.

Saving rights of Trinity House.

23.—Nothing in this Order contained shall prejudice or affect the rights or jurisdiction of the Corporation of Trinity House Deptford Strond in respect of the Falmouth Harbour Light, the Black Rock Beacon, or any other lights, or any buoys or beacons, or any other matter of which they have the management and control.

Parts of Harbours, Docks, &c., Act not incorporated.

24.—The following sections of the Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order, namely, sections six to eleven inclusive, sections sixteen to nineteen inclusive, and sections twenty-five and twenty-six, and, notwithstanding anything in that Act contained, byelaws made under that Act and this Order shall not come into operation until the same have received the allowance and confirmation of the Board of Trade, which shall be sufficient for all purposes.

Saving rights of the Earl of Kimberley, Lord Clinton, and the Redruth Railway Company.

25.—Nothing in this Order contained shall prejudice or affect any property, rights, powers, or privileges of the Right Honorable John Earl of Kimberley, his heirs, successors, or assigns, or of the Right Honorable Charles Henry Rolle Baron Clinton, his heirs, successors, or assigns, or other the person or persons claiming title through or under the Right Honorable Charles Rudolph Baron Clinton, deceased, or of the Corporation of Falmouth, if any, or of the Redruth and Chasewater Railway Company, their successors or assigns, in respect of any land, soil, shores, foreshores, or granting harbour dues or Black Rock tolls, or hereditaments in or to which the same persons, corporation, and company respectively may be interested or entitled.

Reservation of Admiralty authority under 25 & 26 Vict. c. 69. s. 9.

26.—Nothing in this Order contained shall prejudice or affect the powers conferred on the Admiralty under section nine of "The Harbours Transfer Act, 1862," but such powers may be exercised in like manner as if this Order had not been made.

Short title.

27.—This Order may be cited as "The Falmouth Harbour Order, 1870."

A.D. 1870.

Irvine.

IRVINE.

Order for amending "The Irvine Harbour Improvement Order, 1867."

Short title.

1. This Order shall be construed with the Irvine Harbour Improvement Order, 1867, (in this Order called the Order of 1867,) as one Order, and may be cited as the Irvine Harbour Order, 1870; and the Order of 1867 and this Order may be cited together as the Irvine Harbour Orders, 1867 and 1870.

Incorporation of Lands and Commissioners Clauses Acts.

2. "The Lands Clauses Consolidation (Scotland) Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," except so much thereof respectively as relates to the purchase and taking of lands otherwise than by agreement, and the clauses of "The Commissioners Clauses Act, 1847," with respect to the mortgages to be executed by the Commissioners, so far as the same are not inconsistent with the provisions of the Order of 1867 and this Order, and with the exception of section eighty-four of the last-mentioned Act, are hereby incorporated with this Order; and the word "Commissioners" in the said clauses of the last-mentioned Act as incorporated with this Order shall mean the Irvine Harbour Trustees.

Power to take lands by agreement.

3. For the purposes of the works authorized by this Order, the trustees may from time to time, by agreement, enter on, take, and use, such lands in, and around, the harbour as may be required for the said works, not exceeding in the whole three acres.

Power to execute works.

4. Subject to the provisions of this Order, and subject also to such alterations, if any, in the deposited plan as the Board of Trade require from time to time before the completion of the works, in order to prevent injury to navigation, the trustees may, on the lands vested in or purchased or acquired by them under the Order of 1867 or this Order, and in the lines and according to the levels and within the limits of deviation shown on the deposited plan and sections, make and maintain the works shown on the deposited plan and sections and herein-after described.

Description of works.

5. The works authorized by this Order comprise the following:—

(1.) A quay or wharf on the south side of the harbour, commencing at the east end of the wharf called the West Wharf, and terminating at the west end of the wharf called the New Wharf; and

(2.) A quay or wharf on the south side of the harbour, commencing at the east end of the said New Wharf, and terminating at or near the north-east corner of the Ballast Dock.

Further powers as to works.

6. The trustees may also from time to time make, erect and maintain all embankments, piers, jetties, piles, loading berths, landing places, rails, tramways, roads, approaches, and other works and conveniences in and connected with the harbour and the quays or wharfs before described.

Quays and wharfs to form part of harbour.

7. The quays and wharfs and other works by this Order authorized shall form part of the harbour, and of the undertaking of the trustees, for all purposes whatsoever.

8. The time limited by "The General Pier and Harbour Act, 1861, Amendment Act," for the completion of the breakwaters on the north and south sides of the river Irvine authorized by the Order of 1867, and works connected therewith, shall be extended to seven years after the passing of the Act confirming this Order: Provided that the limitation of time specified in "The General Pier and Harbour Act, 1861, Amendment Act," for the completion of works, shall not apply to the works authorized by clause eighteen of the Order of 1867, and that the powers conferred by the said clause may be exercised by the trustees from time to time as they think fit.

Extension of time for completion of works authorized by Order of 1867.

9. In addition to the money authorized to be borrowed by the Order of 1867, the trustees may from time to time borrow such money as may be required for the purposes of the works authorized by the Order of 1867 and this Order, not exceeding in the whole the sum of ten thousand pounds, on the security of the harbour and existing works, and of the works authorized by the Order of 1867 and this Order, and of the lands and property connected therewith respectively, and of the rates authorized by the Order of 1867, and any other property of the trustees; and all provisions contained in the Order of 1867 with respect to borrowing by the trustees, and the money borrowed by the trustees under that Order, shall apply to borrowing and the money borrowed under this Order.

Borrowing powers.

10. And whereas the magistrates and council of the burgh of Irvine have agreed to postpone their security for the sum of ten thousand pounds advanced by them to the trustees under the Order of 1867: Therefore all mortgages or assignations in security which may be granted by the trustees for money borrowed under the authority of this Order, shall, during the continuance of such mortgages or assignations in security have priority over any mortgages or assignations in security, or other securities granted by the trustees to the said magistrates and council under the authority of the Order of 1867, for the said sum of ten thousand pounds; and the interest accruing on money borrowed under the authority of this Order shall be paid, by the trustees, year by year out of the money received by them from the rates authorized by the Order of 1867, and the other income coming into their hands, as therein specified, in priority to the interest accruing year by year on the said sum of ten thousand pounds, and the principal moneys borrowed under the authority of this Order shall be repaid by the trustees in priority to the said sum of ten thousand pounds; and the said magistrates and council are hereby authorized to postpone the payment of the said sum of ten thousand pounds, and the interest thereon, as herein provided.

Mortgages under this Order to have priority over security to the burgh of Irvine.

11. Nothing in this Order contained shall prejudice any security given for money borrowed under the Local Act, seventh George the Fourth, chapter one hundred and seven, and remaining due at the time of the passing of the Act confirming this Order; and every security so given shall have priority over securities given for money borrowed under this Order.

Saving clause.

12. Every part of the money borrowed by the trustees under the authority of this Order shall be applied only for the purposes authorized by the Order of 1867 and this Order.

Application of borrowed money.

Irvine.

Exception of parts of Harbours Clauses Act.

13. Sections sixteen, seventeen, eighteen, nineteen, twenty-five and twenty-six of "The Harbours, Docks, and Piers Clauses Act, 1847," shall not be incorporated with this Order.

Construction of Order of 1867.

14. Clause twelve of the Order of 1867 shall be read and construed as if the word "Order" were inserted therein instead of the word "Act" before the word "authorized," and the said word "Act" shall be deemed to be expunged therefrom.

Powers to cease in certain events.

15. In the following cases, (that is to say),

(1.) If within two years from the date of the passing of the Act confirming this Order the works authorized by this Order should not be substantially commenced; or;

(2.) If such works after having been commenced should be virtually suspended for twelve consecutive calendar months.

The powers by this Order given for executing such works or otherwise in relation thereto shall cease to be exercised, except as to so much of such works as shall be then completed, unless the time for completion shall be extended by the special direction of the Board of Trade.

A certificate from the Board of Trade to the effect that the works have not been substantially commenced, or that they have been virtually suspended for twelve consecutive calendar months, shall for the purposes of this Order be conclusive evidence of the fact stated in such certificate.

Saving rights under Crown Lands Act, 1866.

16. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866," nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities or privileges, without the assent of the Board of Trade having been first obtained.

KINSALE.

Kinsale.

Order for the Maintenance and Regulation of the Harbour of Kinsale, in the County of Cork.

Incorporation of Commissioners.

1. There shall be a body of Commissioners for carrying this Order into execution, which Commissioners and their successors are hereby, for the purposes of this Order, incorporated by the name of "The Kinsale Harbour Commissioners," and by that name shall be a body corporate, with perpetual succession and a common seal, and are in this Order called "the Commissioners."

Appointment of the several Commissioners.

2. The Commissioners shall consist of the following persons; that is to say,

1. The several persons for the time being holding the office of Town Commissioners for the borough of Kinsale:
2. The chairman for the time being of the Town Commissioners for the borough of Bandon in the county of Cork:
3. The persons for the time being returned to serve in Parliament as members for the boroughs of Kinsale and Bandon respectively:

4. Three persons to be appointed by a majority of the Town Commissioners for the borough of Bandon present at a meeting of such Commissioners duly convened, and held, in accordance with the Acts regulating the proceedings of such Town Commissioners.

Determination of appointment of Commissioners.

3. The appointment of any Commissioner under this Order by the Bandon Town Commissioners may at any time be determined by them, in the same manner in which an appointment of a Commissioner is authorized to be made by them, and each such appointment shall be operative for three years, and no longer, but at the end of the term of three years an outgoing Commissioner under this Order shall be eligible for re-appointment.

Incorporation of parts of "The Commissioners Clauses Act, 1847."

4. "The Commissioners Clauses Act, 1847," (except sections six and seven, and sections seventeen to thirty-five, both inclusive, and except so far as the other sections thereof are inconsistent with this Order,) is hereby incorporated with this Order, and the same Act shall, as far as the nature and circumstances of the case will admit, apply to the Commissioners collectively and severally; but with reference to section thirty-nine thereof the prescribed number (constituting a quorum) of the Commissioners shall be five.

Proceedings not to be invalidated.

5. Any proceeding of the Commissioners shall not be invalidated or be illegal by reason of a vacancy in the appointment or the non-appointment of, or any informality in the appointment of, a Commissioner.

Undertakers.

6. The Commissioners shall be the undertakers of the works authorized by this Order.

Harbour vested in the Commissioners.

7. From and after the 1st day of September 1870, all the estate, right, and interest, and all the powers of the Town Commissioners of Kinsale in and over the harbour of Kinsale, and in and over the property, rights, and privileges connected therewith, and the benefit of, and right to sue in respect of, all contracts by such Town Commissioners in relation to the harbour, shall be and are hereby vested in the Commissioners, subject to any debts, rights, or obligations affecting same, and the said harbour shall be managed, regulated, and improved by the Commissioners under and subject to the provisions of this Order.

Limits of harbour under jurisdiction of the Commissioners.

8. The limits within which the Commissioners shall have authority (which shall be deemed the limits to which this Order extends) shall include so much of the Bandon river and the tidal creeks thereof as lies between Inishannon Bridge on the north, and on the south an imaginary line drawn from extreme low water of Hangman's Point due west across the mouth of the river to the eastern extreme of the townland of Ballynadooly.

Works authorized.

9. The works authorized by this Order, and which may be executed and maintained by the Commissioners, comprise the dredging and deepening of the harbour of Kinsale, and river of Bandon, within the limits of this Order, and otherwise improving the same, and the laying down buoys and moorings, and providing other appliances and conveniences for the use of vessels frequenting the harbour and river.

Assent of Board of Trade to works.

10. No works for dredging or improving the harbour or river under this Order shall be commenced without the assent of the Board of Trade having been first obtained.

A.D. 1870.

Kinsale.

Power to levy tolls.

11. On and after the first day of September, one thousand eight hundred and seventy, the Commissioners may demand and receive in respect of the vessels, goods, and things described in the schedule hereto, any sums not exceeding the rates in that schedule specified, and thenceforth all other rates, tolls, or dues leviable in respect of the harbour shall cease to be levied.

Exemption of certain fishing vessels.

12. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels, when forced by stress of weather to seek shelter in the ports, or on the coasts, of the United Kingdom, shall when forced by stress of weather to make use of said harbour, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Customs officers.

13. Officers of customs being in the execution of their duty shall at all times have free ingress, passage, and egress on, into, along, through, and out of, the harbour by land and with their vessels without payment.

Application of tolls.

14. The Commissioners shall apply all rates, and other income received under this Order, for the purposes and in the order following, and not otherwise:

1. In paying the costs of and connected with or incidental to, the preparation and making of this Order:
2. In paying the salary of the harbour-master, and of any servants or other persons employed by them, the expenses of maintaining, managing, and regulating the harbour, and of providing and maintaining in proper condition all buoys, moorings, appliances, and other conveniences belonging to the harbour, and paying all other current expenses of the commissioners:
3. In paying the cost of executing works authorized by this Order.

Commissioners may provide dredges, &c.

15. The Commissioners may, for the purposes of the harbour, or any of them, from time to time purchase, provide, lease, or hire such dredges, engines, tugs, vessels, lighters, tools, plant, or other materials as they think fit, and may from time to time demand and receive such sums for the use of the same as they think fit, or may sell or dispose of the same, and the money thereby realized shall be applied for the purposes of this Order or some of them.

Meters and weighers.

16. The Commissioners shall have the appointment of meters and weighers within the limits of this Order.

Parts of Harbours, Docks, &c. Act not incorporated.

17. The following sections of the Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order, namely, sections six to eleven inclusive, sections sixteen to nineteen inclusive, and sections twenty-five and twenty-six.

Short title.

18. This Order may be cited as "The Kinsale Harbour Order, 1870."

The SCHEDULE to which the foregoing Order refers.

I.—Rates on Vessels using or entering the Port and Harbour of Kinsale.

	s.	d.
On all coasting vessels and steamers entering the harbour, wind bound, or to discharge, or to load, cargo, of 10 tons registered, or upwards, per registered ton	0	1
On all foreign-going ships anchoring in the harbour, per registered ton	0	1
On all foreign-going ships entering the harbour to discharge or load cargo, per registered ton	0	1½
For every fishing hooker and sailing fishing vessel, whether partly or wholly decked, belonging to the harbour, or entering and using the harbour for the purpose of the fishery, payable in advance, annually the sum of	5	0

II.—Rates on Goods shipped or unshipped, received or delivered within the Port and Harbour of Kinsale.

	s.	d.
Bricks and tiles, per ton	0	1½
Cattle—bulls, cows, oxen, and horses, each	0	1
Cattle—calves, pigs, sheep, and lambs, each	0	0½
Clover, turnips, and other seeds, not being corn, per sack	0	1½
Coals, per ton	0	0¾
Deals, per 120	1	0
Flour, per ton	0	1½
Malt and grain, per ton	0	1½
Gunpowder, per barrel	0	0½
Iron, per ton	0	1½
Ice, per ton	0	1
Lead, per ton	0	1½
Guano, and all other artificial manure, per ton	0	6
Meal, per ton	0	1½
Potatoes, per ton	0	1
Salt, per ton	0	1
Slates, per ton	0	1½
Timber of all kinds, per load of 50 feet	0	2

All other goods not particularly enumerated above.

Light goods, per barrel bulk	0	1
Heavy goods, per ton	0	2

In charging the rates on all goods, the gross weight or measurement of all goods to be taken, and for any less weights, measures, and quantities than those above specified, a proportionate part of the respective rate shall be charged.

Five cubic feet, not exceeding 2½ cwt., to be rated as a barrel bulk; but when the weight of five cubic feet is greater than 2½ cwt., then 2½ cwt. to be rated as a barrel bulk.

A.D. 1870.

Kinsale.

III.—Rates for Ballast.

	s.	d.
All vessels not belonging to the port for any quantity taken on board, to pay, per ton - - - - - - - -	0	2

MOUSEHOLE.

Order for amending The Mousehole Harbour Improvement Order, 1868.

Mousehole.

Short title.

1.—This Order shall be construed with the Mousehole Harbour Improvement Order, 1868, (in this Order called the Order of 1868,) as one Order, and may be cited as the Mousehole Harbour Order 1870, and the Order of 1868 and this Order may be cited together as the Mousehole Harbour Orders, 1868 and 1870.

Further borrowing powers.

2.—The Commissioners may, for the purposes of their undertaking, from time to time borrow, in addition to the total sum of four thousand and five hundred pounds authorized by the Order of 1868, such sums as they shall think fit, not exceeding in the whole the sum of two thousand and five hundred pounds on the security of the harbour, and land, works, and property connected therewith, and of the land, property, and works already or hereafter to be purchased and acquired and executed by them under the authority of the Order of 1868, and of the rates authorized by the Order of 1868 and this Order, and any other property of the Commissioners; and all provisions contained in the Order of 1868 with respect to borrowing, and the money borrowed under that Order, shall apply to borrowing, and the money borrowed under this Order.

Application of Rates and Income.

3.—Clause 23 of the Order of 1868 shall be, and is hereby, repealed, and the Commissioners shall primarily apply all money received by them from the rates specified in the Schedule hereto, and all other income coming into their hands in respect of the works authorized by the Order of 1868, or from land or property connected therewith, to the repayment, in manner directed by this Order, of the moneys borrowed under this Order and the Order of 1868 and of the interest accruing upon the same.

Further borrowing powers.

4.—The Commissioners shall secure the repayment of moneys borrowed under the Order of 1868 or this Order by equal annual instalments, each instalment to be not less than one fiftieth part of the principal money secured, with interest on the amount from time to time remaining unpaid, or by way of annuity applicable in discharge of principal and interest, and payable for any term of years not exceeding 50 years from the date of the borrowing, or by a sum or sums payable at such time or times as the lenders may agree, but so that the whole sum borrowed shall be repaid within fifty years from the date of borrowing.

Alteration of rates.

5.—On and after the first day of September 1870, the Schedule to this Order shall be substituted in place of the Schedule to the Order of 1868, and the Schedule to the Order of 1868 shall be deemed cancelled, and the Order of 1868 and this Order shall be construed accordingly.

The SCHEDULE to which the foregoing Order refers.

I.—Rates on Vessels and Boats using the Harbour.

	£	s.	d.
Drift Boats employed on the mackerel fishery, wholly owned by persons resident within the three quarters of a mile radius, by the year:			
If under 28 feet keel - - - - - -	0	15	0
If 28 feet keel and under 36 feet keel - - -	3	0	0
If 36 „ 42 „ - - - -	3	5	0
If 42 „ and upwards - - - -	3	10	0
Drift boats employed on the herring or pilchard fishery, and not in the mackerel fishery, and owned as aforesaid, and so that a boat which shall pay as a mackerel boat shall not be liable to pay again, although also employed in the herring or pilchard fishery, by the year:			
If under 28 feet keel - - - - - -	0	15	0
If 28 feet keel and under 36 feet keel - - -	2	13	6
If 36 „ 42 „ - - - -	2	18	6
If 42 „ and upwards - - - - -	3	3	6
Mackerel, herring or pilchard drivers, owned wholly or in part by persons resident without the three quarters of a mile radius, by the year:			
If under 28 feet keel - - - - - -	1	5	0
If 28 feet keel and under 36 feet keel - - -	3	0	0
If 36 „ and upwards - - - - -	4	0	0
For any of the above drivers, not compounding by the year, for each occasion of entering the harbour, or landing any fish, nets, goods, wares, or merchandise there, whether entering it or not, without distinction as to size - - -	0	2	6
For any of the above drivers not compounding, and lying in the harbour for upwards of fourteen days, unless compelled to do so by stress of weather, so long as they shall be there, per day - - - - - - -	0	0	8½
For all ships or vessels, or boats of any description, ordinarily propelled otherwise than by oars, not being drivers, for every occasion of entering the harbour, or landing any fish, nets, goods, wares, or merchandise there, whether entering it or not, per ton - - - - -	0	0	2
For all ships or vessels, or boats of any description, ordinarily propelled otherwise than by oars, not being drivers, which shall be in the harbour for upwards of six weeks, in addition to the foregoing two pence per ton, per ton per week -	0	0	0½
For all sean boats, including the folyer, (if any,) and cock-boat, and whether with them or without them, by the year -	1	0	0

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Mousehole.

	£	s.	d.
Or if not compounding, then for each occasion on which the sean boat shall enter the harbour, or whether entering or not, shall land fish, nets, geods, wares or merchandise there - - - - - - - - -	0	1	6
Gigs and other rowing boats, by the year, per oar - -	0	1	0
Gigs and other rowing boats not compounding, on each occasion of entering the harbour - - - - -	0	0	6

II.—RATES ON FISH AND GOODS SHIPPED OR UNSHIPPED, OR TRANSHIPPED, WITHIN THE LIMITS OF THE HARBOUR.

	s.	d.
Anchors, per cwt. - - - - - -	0	1
Ballast, per ton - - - - - - -	0	6
Bones, per ton - - - - - - -	1	6
Bone dust, per quarter - - - - - -	0	2
Bricks, per 1,000 - - - - - -	1	0
Coals, per ton - - - - - - -	0	3
Cordage, per cwt. - - - - - -	0	2
Corn and seeds per quarter - - - - - -	0	3
Cork, per cwt. - - - - - - -	0	2
Earthenware, (in casks, hampers, or boxes,) per foot - -	0	0¼
Fish:		
Herrings, per basket or pad of 240 - - -	0	1
Mackerel, per pad of 120 - - - - -	0	1
Pilchards, fresh, whether for salting or consumption, per 120 -	0	0¼
Pilchards, salt, per hogshead - - - -	0	3
Other fish, per cwt. - - - - - -	0	2
Ditto, per basket or pad - - - -	0	1
Flax, per ton - - - - - - -	3	0
Flour and meal, per sack - - - - -	0	2
Ditto, per barrel - - - - - - -	0	1½
Fruit, per bushel or sieve - - - - -	0	1
Granite, per ton of 14 cubic feet - - - - -	0	9
Groceries (not enumerated), per cwt. - - -	0	3
Guano, per ton - - - - - - -	1	0
Hardware, per ton - - - - - -	2	6
Hemp, per ton - - - - - - -	3	0
Leather, tanned and dressed, per cwt. - - - -	0	3
Lime, per 28 bushels - - - - - -	1	0
Limestone, per ton - - - - - -	0	3
Machinery, per ton - - - - - -	2	0
Manure (not enumerated), per ton - - - -	0	6
Masts and spars, 10 inches in diameter and upwards, each - -	0	6
„ „ under 10 inches - - - -	0	3
Net, per 5 cubic feet - - - - - -	0	2
Oil-cake, per ton - - - - - - -	1	0
Oranges and lemons, per box - - - - -	0	2
Paint, per cwt. - - - - - - -	0	2

		s.	d.
	Pitch and tar, per barrel	0	3
	Potatoes, per cwt.	0	1
	Sails, per cwt.	0	2
5	Salt, per cwt.	0	0¼
	Sand, per ton	0	4
	Skins, calf, goat, sheep, lamb, or dog, per dozen	0	6
	Slates, per 1,000	0	6
	Stones, per ton of 16 cubic feet	0	10
10	Steel, per ton	3	0
	Sugar, per cwt.	0	1
	Tallow, soap, and candles, per cwt.	0	1½
	Tea, per chest	1	0
	Tiles, per 1,000	1	6
15	Timber, per load	0	6
	Tobacco, per cwt.	0	3
	Turnips, per ton	0	6
	Vegetables (not enumerated), per cwt.	0	4
	Vinegar, per hogshead	0	6
20	Vitriol, per carboy	0	6
	Light goods, per cube foot	0	1
	Heavy goods, per ton	2	0

In charging the rates on goods, the gross weight or measurement of all goods to be taken; and for any less weights, measures, and quantities than those 25 above specified, a proportion of the respective rates is to be charged.

III.—Rates for use of Cranes, Weighing Machines, and Sheds.

1. *Rate of Cranage.*

		s.	d.
	All goods or packages not exceeding 1 ton	0	4
30	Exceeding 1 ton and not exceeding 2 tons	0	6
	„ 2 tons „ „ 3 „	0	8
	„ 3 „ „ „ 4 „	0	10
	„ 4 „ „ „ 5 „	1	0
	„ 5 „ „ „ 6 „	1	2
35	„ 6 „ „ „ 7 „	1	4
	„ 7 „ „ „ 8 „	1	6
	„ 8 „ „ „ 9 „	1	10
	„ 9 „ „ „ 10 „	2	4
	„ 10 „	3	6

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2. *Weighing Machines.*

	For goods weighed, for every ton or part of a ton	0	3

3. *Shed Dues.*

	For every ton of goods of 40 cubic feet, for every ton of goods of 20 cwt. which remains in the warehouse or sheds or other works		
45	of the company for not longer than forty-eight hours	0	3

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Mousehole.

	s.	*d.*
And per ton for each day during which the goods remain after first forty-eight hours - - - -	0	2
For any portmanteau, trunk, parcel, or other article of passengers' luggage, for every day or part of a day - - -	0	2

4. *Rates on Passengers and others using the Pier.*

For every bath or sedan chair taken on the pier, for every time -	0	1
For every perambulator taken on the pier, for every time - -	0	1

5. *Rates on Passengers' Luggage landed or embarked or transshipped within the Harbour.*

For every trunk, portmanteau, box, parcel, or other package within the description of luggage :

Exceeding 112 lbs. and not exceeding 140 lbs. -	0	3
„ 140 „ „ „ 196 „ - -	0	4
„ 196 „ „ „ 2 cwt. - -	0	6
And for every cwt. exceeding 2 cwt. - -	0	3
And for every 20lbs. weight in addition - -	0	1

St. Leonards on Sea.

ST. LEONARDS ON SEA.

Order for the construction, maintenance, and regulation of a Pier at St. Leonards on Sea in the County of Sussex.

Incorporation of Company.

1. The following persons, namely, John Clay, Francis Hayman Fowler, and John Starkey, and all other persons and corporations subscribing to the undertaking authorized by this Order, and their executors, administrators, successors, and assigns respectively, shall be and are hereby constituted into a company for the purpose of making, maintaining, and regulating the pier and works authorized by this Order, and for those purposes shall be and are hereby incorporated by the name of "The St. Leonards on Sea Pier Company," and by that name shall be one body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes, but subject to the restrictions, of this Order.

Undertakers.

2. The St. Leonards on Sea Pier Company, in this Order called the Company, shall be the undertakers of the works authorized by this Order.

Incorporation of Clauses Act.

3. The Companies Clauses Consolidation Act, 1845, and Part I. of The Companies Clauses Act, 1863, are hereby incorporated with this Order; and the words "special Act" in such Acts mentioned shall apply to and include this Order.

Capital.

4. The capital of the company shall be fifteen thousand pounds, in one thousand five hundred shares of ten pounds each.

Shares not to be issued until one fifth paid up.

5. The company shall not issue any share created under the authority of this Order, nor shall any such share vest in the person accepting the same, unless and until a sum not being less than one fifth part of the amount of such share has been paid up in respect thereof.

St. Leonards on Sea.

Calls.

6. No call shall exceed two pounds ten shillings a share, or be made payable within three months of a previous call.

Power to create preference shares.

7. The company, with the sanction of at least three fifths in value of the votes of the shareholders, present in person or by proxy at a general meeting specially convened for that purpose, may attach to all or any of the then unissued shares, not exceeding one third part of the capital, dividend at a rate not exceeding five pounds per centum per annum in priority to the dividend on the other shares of the capital.

Borrowing on mortgage.

8. The company from time to time may borrow on mortgage, at interest, any sum or sums of money not exceeding in the whole three thousand seven hundred and fifty pounds, but no money shall be so borrowed until the whole of the capital of fifteen thousand pounds is subscribed for, and one half thereof is paid up, and the company satisfy the justice who certifies under section 40 of The Companies Clauses Consolidation Act, 1845, before he so certifies, that the whole of the capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share has been paid on account thereof, before or at the time of the issue or acceptance thereof, and that the capital was issued bonâ fide, and is held by registered holders thereof legally liable for so much thereof as is not paid up (of which satisfaction the certificate shall be conclusive evidence).

Receiver.

9. The mortgagees of the company may enforce the payment of the arrears of interest or of principal and interest due on their respective mortgages by the appointment of a receiver, and the amount to authorize a requisition for a receiver is five hundred pounds.

No interest or dividend on calls.

10. The company shall not, out of any money raised by calls or borrowing, pay interest or dividend to any shareholder on the amount called up in respect of shares held by him, but this provision shall not prevent the company paying to any shareholder interest on money advanced by him beyond the amount of calls actually made in conformity with the provisions of The Companies Clauses Consolidation Act, 1845.

Money not to be used for deposit under Standing Orders.

11. The company shall not, out of any money so raised, pay or deposit any money that may be required to be paid or deposited in relation to any application to Parliament or the Board of Trade.

Money to be applied for purposes of Order.

12. Every part of the money so raised shall be applied only for the purposes authorized by this Order.

First general meeting.

13. The first general meeting of the company shall be held within six months after the passing of an Act of Parliament confirming this Order, at such time and place as the directors determine.

Number of directors.

14. The number of directors shall not be more than five or less than three.

Quorum of directors.

15. The quorum of a meeting of directors shall be three when the number of directors is five, and two when the number of directors is three.

First directors.

16. John Clay, Francis Hayman Fowler, John Starkey, and two other duly qualified persons to be chosen by them, or a majority of them, shall be the first directors of the company; and shall continue in office till the first general

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meeting of the company, when they shall retire from office, and directors shall be elected by the meeting, the retiring directors being eligible.

Qualification.

17. The qualification of a director elected by the shareholders, or nominated as aforesaid, shall be the holding in his own right of shares in the capital of the company to the aggregate nominal amount of at least one hundred pounds.

Remuneration.

18. The remuneration of the directors shall from time to time be fixed by a general meeting, and shall be divided among the directors as they determine.

Power to take lands by agreement.

19. For the purposes of the works authorized by this Order, the company may from time to time, by agreement, enter on, take, and use all or such parts of the lands shown on the plans deposited for the purposes of this Order as they think requisite for the purposes of the proposed pier and works and the conveniences connected therewith.

Incorporation of Lands Clauses Act.

20. The Lands Clauses Consolidation Act, 1845, except so much thereof as relates to the purchase or taking of lands otherwise than by agreement, and The Lands Clauses Consolidation Acts Amendment Act, 1860, shall be incorporated with this Order.

Power to make works.

21. Subject to the provisions of this Order, and subject also to such alterations, if any, in the amended deposited plans as the Board of Trade require from time to time before the completion of the works, in order to prevent injury to navigation, the company may, on the lands taken by them under this Order, and in the lines and according to the levels shown on the amended deposited plans and sections (so far as the same are shown thereon), and within the limits of deviation shown on those plans, make and maintain the pier and works authorized by this Order.

Description of works authorized.

22. The works authorized by this Order comprise the following:—

A pier at St. Leonard's on Sea in the county of Sussex, with a landing place, and all necessary works and conveniences for the embarking and landing of passengers, goods, and merchandize, and for other purposes, commencing on the Parade at a point eighty-one yards or thereabouts east of the Baths, and extending seawards six hundred and five feet, or thereabouts.

Power to take rates according to Schedule to this Order.

23. The company may for the use of the pier and works demand and receive in respect of the vessels, goods, persons, and things described in the Schedule hereto, any sums not exceeding the rates in that Schedule specified.

Certain fishing vessels under stress of weather exempt from rates.

24. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the pier authorized by this Order, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Company may contract with persons for the use of pier.

25. The company may grant to passengers and promenaders, or others, pass tickets for the use of the pier, on such terms, and for such a period, not exceeding one year, as are agreed on, but so that no preference be given to any person. A pass ticket shall not be transferable, and shall not be used by any person except the person to whom it is granted, or by any person after the period

limited for its use. If any person act in any way in contravention of this provision, or use or attempt to use any false or counterfeit ticket, he shall, for every such offence, be liable to a penalty not exceeding twenty shillings, to be recovered and applied as penalties are recoverable and applicable under The Harbours, Docks, and Piers Clauses Act, 1847, for all the purposes of which Act this Order shall be deemed the special Act.

Custom House officers exempt from rates.

26. Officers of customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress to, on, along, and from, the pier by land, and with their vessels and otherwise, without payment.

Lands for extraordinary purposes.

27. The company shall not purchase for extraordinary purposes lands exceeding in extent in the whole three acres.

Meters and weighers.

28. The company shall have the appointment of meters and weighers on or in connexion with the pier.

Parts of Harbours, &c. Act, 1847, excepted.

29. The following sections of The Harbours, Docks, and Piers Clauses Acts, 1847, shall not be incorporated with this Order, namely, sections sixteen to nineteen, and twenty-one to twenty-three, all inclusive.

Steam engines, diving bells, lighters, &c.

30. The company may provide such steam engines, steam vessels, tugs, piling engines, diving bells, ballast lighters, rubbish lighters, moorings, dredging machines, and other machinery, vessels, and things as they think necessary for effectuating any of the purposes of this Order, and may demand and receive such sums for the use of the same as they think reasonable.

Part V. of 24 & 25 Vict. c. 47. to apply.

31. Part V. of the Harbours and Passing Tolls, &c., Act, 1861, shall apply to the works authorized by this Order.

Restriction on use of pier.

32. Nothing in this Order shall entitle any person with any vessel or boat to ship or unship at the Pier authorized by this Order any sheep, cattle, or merchandize, or to ship or unship there anything which in the judgment of the company might in any manner interfere with the use of the pier for recreation or for the embarking or landing of passengers.

Pier to be deemed within borough of Hastings.

33. The pier and works shall, in respect of all matters, crimes, or offences arising or committed thereon, requiring the cognizance of any justices of the peace, be deemed and taken to be within or as forming part of the borough of Hastings, and within the jurisdiction of the justices of that borough.

Costs of Order.

34. All the costs, charges, and expenses of and preparatory and incident to the obtaining of this Order, and otherwise in relation thereto, shall be paid by the company.

Light to be exhibited.

35. The company shall, at the outer extremity of the pier and works authorized by this Order, exhibit from sunset to sunrise such light (if any) as shall from time to time be directed by the Corporation of Trinity House, Deptford Strond.

Part IV. of Companies Act, 1862, incorporated.

36. Part IV. of The Companies Act, 1862, as to the winding up of companies and associations under that Act, shall be incorporated with this Order, and shall apply to the company in like manner as if it had been a company registered under that Act with the liability of its members limited to the amount (if any) unpaid on the shares respectively held by them.

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Powers to cease in certain events.

37. In the following cases (that is to say):—

(1.) If, within two years from the date of the passing of the Act confirming this Order, the works authorized by this Order should not be substantially commenced; or

(2.) If such works, after having been commenced, should be virtually suspended for twelve consecutive calendar months,—

the powers by this Order given for executing such works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of such works as shall be then completed, unless the time for completion shall be extended by the special direction of the Board of Trade.

A certificate from the Board of Trade to the effect that the works have not been substantially commenced, or that they have been virtually suspended for twelve consecutive calendar months, shall, for the purposes of this Order, be conclusive evidence of the fact stated in such certificate.

Saving rights under Crown Lands Act, 1866.

38. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by the The Crown Lands Act, 1866, nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges, without the assent of the Board of Trade having been first obtained.

Short title.

39. This Order may be cited as "The St. Leonards on Sea Pier Order, 1870."

SCHEDULE to which the foregoing Order refers.

I.—Rates on Vessels using the Pier.	*s.*	*d.*
For every vessel under the burden of 15 tons, per ton	0	4
For every vessel of the burden of 15 tons and under 50 tons, per ton	0	6
For every vessel of the burden of 50 tons and under 100 tons, per ton	0	8
For every vessel of the burden of 100 tons and under 150 tons, per ton	0	10
For every vessel of the burden of 150 tons and upwards, per ton	1	0
All lighters for each trip, per ton	0	2
All boats entirely open, landing or taking on board goods, each	0	6
II.—Rates of Goods shipped or unshipped at the Pier.		
Ale, beer, and porter, per hogshead	0	6
Ale (bottled), per barrel	0	4
Ditto, per dozen bottles	0	1
Anchors, per cwt.	0	9
Anchor stock, per foot run	0	2
Bark, per ton	2	0
Bedding, per bundle	0	3
Beef or pork, per cwt.	0	3
Ditto, per barrel	0	6
Biscuit or bread, per cwt.	0	3
Blubber, per ton of 252 gallons	3	0
Bones and bone dust, per ton	1	6
Bottles, per gross	0	9

		s.	d.
	Bricks, per 1,000	1	6
	Butter and lard, per barrel	0	6
	Ditto, per firkin	0	3
5	Cables, iron or hempen, per ton	3	0
	Canvas, per bolt	0	1
	Casks (empty) not being returned packages, per puncheon	0	3
	Other casks in proportion.		
	Cattle :		
10	Bulls, cows, and oxen, each	3	0
	Calves, each	1	0
	Horses, each	4	0
	Pigs, each	0	6
	Sheep, each	1	0
15	Chalk, per ton	1	0
	Cheese, per cwt.	0	4
	Chimney pots, each	0	3
	Clay, per ton	1	0
	Cloth, haberdashery, &c., per package not exceeding cwt.	0	6
20	Carriages :		
	Chaises and other four-wheeled carriages, each	7	6
	Gigs, carts, and other two-wheeled carriages, each	5	0
	Hand-carts and perambulators, each	1	0
	Coals, per ton	1	0
25	Copper, per ton	3	0
	Cordage, per cwt.	0	3
	Cork, per cwt.	0	6
	Corpses, each	20	0
	Crystal, per box or package	0	6
30	Dogs, each	0	6
	Drugs (in casks, hampers, or boxes), per foot	0	2
	Earthenware (in casks, hampers, or boxes), per foot	0	2
	Earthenware (in crates), per foot	0	1
	Eggs, per box	0	3
35	Fish (dried and salted), per cwt.	0	3
	Ditto, fresh (not enumerated), per cwt.	0	2
	Flax, per ton	2	0
	Flour and meal, per sack	0	4
	Ditto, per barrel	0	3
40	Fruit, per bushel or sieve	0	4
	Furniture (household), per 5 cubic feet	0	4
	Glass, per large crate	1	6
	Ditto, per small crate or case	1	0
	Ditto, per box	0	6
45	Grains and seeds, per quarter	0	6
	Groceries (not enumerated)	0	6
	Guano, per ton	1	6
	Gunpowder, per barrel or keg	0	6
	Hams, bacon, or tonguos, per cwt.	0	4

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	s.	d.	
Hardware, per ton	2	6	
Hares and rabbits, per dozen	0	4	
Hay, per ton	1	6	
Ditto, per truss	0	2	5
Hemp, per ton	2	0	
Herrings (fresh), per 1,000	0	3	
Ditto (cured), per barrel	0	3	
Hides:			
Ox, cow, or horse (wet or dry), each	0	2	10
Iron:			
Bar, bolt, rod, and shots, per ton	1	6	
Pig and old, per ton	1	0	
Manufactured, per ton	2	6	
Pots, each	0	1	15
Kelp, per ton	2	0	
Lead, per ton	2	6	
Leather, tanned and dressed, per cwt.	0	3	
Lime, per 28 bushels	1	4	
Limestone, per ton	1	0	20
Machinery, per ton	2	6	
Manure (not enumerated), per ton	1	0	
Masts and spars, 10 inches in diameter and upwards, each	4	6	
Ditto, under 10 inches	3	0	
Meat (fresh), per cwt	0	6	25
Milk, per gallon	0	$0\frac{1}{2}$	
Musical instruments, per cube foot	0	1	
Nets, per 5 cube feet	0	4	
Oakum, per cwt.	0	2	
Oils, per ton	2	0	30
Oilcake, per ton	2	0	
Oranges and lemons, per box	0	6	
Ores, per ton	1	0	
Oysters, per bushel	0	3	
Paint, per cwt.	0	4	35
Pitch and tar, per barrel	0	6	
Potatoes, per cwt.	0	2	
Poultry and game, per dozen	0	4	
Rags and old rope, per ton	2	0	
Sails, per cwt.	0	6	40
Salt, per cwt.	0	1	
Sand, per ton	1	0	
Shrimp baskets, each	0	2	
Skins:			
Calf, goat, sheep, lamb, or dog, per dozen	0	6	45
Slates, per ton of 24 cubic feet	2	0	
Spirits (Foreign and British), per hogshead	1	0	
Ditto, ditto, per gallon	0	1	
Stones, per ton of 16 cubic feet	1	6	

		s.	d.
	Steel, per ton	3	0
	Sugar, per cwt.	0	3
	Tallow, soap, and candles, per cwt.	0	3
5	Tea, per chest	1	0
	Tiles, per 1,000	1	6
	Tin and zinc, per ton	3	0
	Tobacco, per cwt.	0	6
	Turbot, per score	0	3
10	Turnips, per ton	0	6
	Turpentine and varnish, per barrel	0	6
	Turtle, each	2	6
	Vegetables (not enumerated), per cwt.	0	4
	Vinegar, per hogshead	0	6
15	Vitriol, per carboy	1	0
	Water, per cask	0	3
	Wine, per hogshead	1	0
	Ditto (bottled), per dozen bottles	0	2
	Wood:		
20	Fir, pine, and other descriptions not enumerated, per load of 50 feet	1	6
	Oak or wainscot, per load of 50 feet	2	0
	Firewood, per 216 cubic feet fathom	1	6
	Laths and lathwood, per fathom of 216 cubic feet	2	6
25	Handspikes, per 120	3	0
	Oars, per 120	5	0
	Spars under 22 feet in length, above $2\frac{1}{2}$ and under 4 inches in diameter, per 120	5	0
	Ditto, $2\frac{1}{2}$ inches in diameter and under, per 120	4	0
30	Ditto, 22 feet in length and upwards, and not exceeding 4 inches in diameter, per 120	9	0
	Ditto, above 4 and under 6 inches in diameter, per 120	14	0
	Spokes of wheels not exceeding 2 feet in length, per 120	2	0
	Ditto, exceeding 2 feet in length, per 120	3	0
35	Treenails, per 1,000	2	6
	Wedges, per 1,000	2	6
	Pipe staves, and others in proportion, per 120	2	6
	Lignum vitæ, fustic, logwood, mahogany, and rosewood, per ton	2	0
	Wool, per cwt.	0	4
40	Yarn, per cwt.	0	2

All other Goods not particularly enumerated above.

	Light goods, per cube foot	0	1
	Heavy goods, per ton	2	0

In charging the rates on goods the gross weight or measurement of all goods
45 to be taken; and for any less weights, measures, and quantities than those above specified a portion of the respective rates shall be charged.

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III.—RATES FOR USE OF CRANES, WEIGHING MACHINES, AND SHEDS.

1st.—Rates of Cranage.

	s.	*d.*
All goods of packages not exceeding 1 ton	0	4
Exceeding 1 ton and not exceeding 2 tons	0	6
Exceeding 2 tons and not exceeding 3 tons	0	8
Exceeding 3 tons and not exceeding 4 tons	0	10
Exceeding 4 tons and not exceeding 5 tons	1	0
Exceeding 5 tons and not exceeding 6 tons	1	2
Exceeding 6 tons and not exceeding 7 tons	1	4
Exceeding 7 tons and not exceeding 8 tons	1	6
Exceeding 8 tons and not exceeding 9 tons	1	10
Exceeding 9 tons and not exceeding 10 tons	2	4
Exceeding 10 tons	3	6

2nd.—Weighing Machine.

For goods weighed, for each ton or part of a ton	0	2

3rd.—Shed Dues.

For each ton of goods of 40 cubic feet, or for each ton of goods of 20 cwt., which shall remain in the sheds or other works of the pier for a longer time than 48 hours, the sum of 3*d.*, and the sum of 1½*d.* per ton for each day during which such goods shall remain after first 48 hours.		
For any portmanteau, trunk, parcel, or other article of passengers' luggage, for each day or part of a day, per package	0	2

IV.—RATES FOR SUPPLYING WATER ON PIER.

Water, per 1,000 gallons	10	0

V.—RATES ON PASSENGERS AND PROMENADERS USING THE PIER.

For every passenger or other person who shall land on the pier from, or embark from it on board of, any ship, vessel, packet or passage boat, for each and every time, any sum not exceeding	0	6
For every person who shall use the pier for the purpose of walking, for exercise, pleasure, or any other purpose, except for embarking or disembarking, for each and every time any sum not exceeding	0	3
For every bath or sedan chair taken on the pier, for each and every time, not exceeding	0	6
For every perambulator	0	2
For every master of any vessel, boat, or wherry, being an inhabitant of the parish of St. Leonards on Sea, and using the said pier for the purpose of going to or returning from his own vessel, boat, or wherry, an annual sum not exceeding	20	0

VI.—Rates on Passengers' Luggage.

For every trunk, portmanteau, box, parcel, or other package within the description of luggage, not exceeding 28 lbs.	0	2
Over 28 lbs. and not exceeding 84 lbs.	0	4
Over 84 lbs. and not exceeding 112 lbs.	0	5
Over 112 lbs. and not exceeding 140 lbs.	0	6
Over 140 lbs. and not exceeding 196 lbs.	0	7
Over 196 lbs. and not exceeding 2 cwt.	0	8
And for every cwt. beyond	0	4
And for every 20 lbs. weight in addition	0	1

VENTNOR.

Order for the Construction, Maintenance, and Regulation of a Pier, Sea Wall, Embankment, and Esplanade, at Ventnor in the Isle of Wight.

Incorporation of Company.

1.—The following persons, namely, John Burt, Fletcher Moor, Henry William May, and all other persons and corporations subscribing to the undertaking authorized by this Order, and their executors, administrators, successors, and assigns respectively, shall be and are hereby constituted into a Company for the purpose of making, maintaining, and regulating the pier, sea wall, embankment, esplanade, and works authorized by this Order, and for those purposes shall be and are hereby incorporated by the name of "The Ventnor Pier and Esplanade Company," and by that name shall be one body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes, but subject to the restrictions, of this Order.

Undertakers.

2.—The Ventnor Pier and Esplanade Company, in this Order called "the Company," shall be the undertakers of the works authorized by this Order.

Incorporation of Clauses Acts.

3.—"The Companies Clauses Consolidation Act, 1845," Part I. of "The Companies Clauses Act, 1863," "The Lands Clause Consolidation Act, 1845," except so much as relates to the purchase or taking of lands otherwise than by agreement, and "The Lands Clauses Consolidation Acts Amendment Act, 1860," shall respectively be incorporated with this Order, and the words "Special Act," in such Acts mentioned shall apply to and include this Order.

Capital.

4.—The capital of the Company shall be thirty-five thousand pounds in seven thousand shares of five pounds each.

Shares not to be issued until one-fifth part paid up.

5.—The Company shall not issue any share created under the authority of this Order, nor shall any such share vest in the person accepting the same, unless and until a sum, not being less than one-fifth part of the amount of such share, has been paid in respect thereof.

Calls.

6.—No call shall exceed one pound a share, or be made payable within three months of a previous call.

Power to create preference shares.

7.—The Company, with the sanction of at least three fifths in value of the votes of the shareholders present, in person or by proxy, at a general meeting

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specially convened for that purpose, may attach to all or any of the then unissued shares, not exceeding one-third part of the capital, dividend at a rate not exceeding five pounds per centum per annum, in priority to the dividend on the other shares of the capital.

Borrowing on mortgage.

8.—The Company may, from time to time, borrow and take up on mortgage or by way of debentures at interest, any sums not exceeding in the whole eleven thousand six hundred pounds; but no moneys shall be so borrowed until the whole of the capital of thirty-five thousand pounds is subscribed for, and one half thereof is paid up, and the Company satisfy the Justice who certifies under section forty of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of the capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one-fifth part of the amount of each separate share has been paid on account thereof before or at the time of the issue or acceptance thereof, and that the capital was issued bonâ fide, and is held by registered holders thereof legally liable for so much thereof as is not paid up (of which satisfaction the certificate shall be conclusive evidence).

Receiver.

9.—The mortgagees or debenture holders of the Company may enforce the payment of the arrears of interest, or of principal and interest, due on their respective mortgages, by the appointment of a receiver, and the amount to authorize a requisition for a receiver is one thousand pounds.

No interest or dividend on calls.

10.—The Company shall not, out of any money raised by calls or borrowing, pay interest or dividend to any shareholder on the amount called up in respect of shares held by him; but this provision shall not prevent the Company paying to any shareholder interest on any money advanced by him beyond the amount of calls actually made in conformity with "The Companies Clauses Consolidation Act, 1845."

Money not to be used for deposit under Standing Orders, &c.

11.—The Company shall not, out of any money so raised, pay or deposit any money required to be paid or deposited in relation to any application to Parliament or the Board of Trade.

Money to be applied for purposes of Order.

12.—Every part of the money so raised shall be applied only for the purposes authorized by this Order.

First general meeting.

13.—The first general meeting of the Company shall be held within twelve months after the passing of an Act of Parliament confirming this Order, at such time and place as the directors determine.

Number of directors.

14.—The number of directors shall be not more than six nor less than three.

Quorum of directors.

15.—The quorum of a meeting of directors shall be three, and when the number of directors is reduced to three, the quorum shall be two.

First directors.

16.—John Burt, Fletcher Moor, and Henry William May, with such other shareholders (if any) as they may add to their number, shall be the first directors; and the first directors shall continue in office until the first general meeting of the Company, when they shall retire from office, and directors shall be elected by the meeting, the retiring directors being eligible for re-election.

Qualification.

17.—The qualification of a director elected by the shareholders, or nominated as aforesaid, shall be the holding, in his own right, of at least ten shares in the capital of the Company.

Remuneration.

18.—The remuneration of the directors shall, from time to time, be fixed by a general meeting, and shall be divided among the directors as they determine.

Power to take lands by agreement.

19.—For the purposes of the works authorized by this Order, the Company may, from time to time, by agreement, enter on, take, and use all or such parts of the lands shown on the plans deposited for the purposes of this Order as they think requisite for the purposes of the proposed pier, sea wall, embankment, esplanade, and works, and the conveniences connected therewith.

Lands for extraordinary purposes.

20.—The Company may purchase and hold, for extraordinary purposes, any land not exceeding in the whole five acres.

Power to make works.

21.—Subject to the provisions of this Order, and subject also to such alterations (if any) in the deposited plans as the Board of Trade require from time to time before the completion of the works, in order to prevent injury to navigation, the Company may, on the lands taken by them under this Order, in the lines and according to the levels shown on the deposited plans and sections (so far as the same are shown thereon), and within the limits of deviation shown on those plans, make and maintain the pier, sea wall, embankment, esplanade, and works authorized by this Order.

Description of works authorized.

22.—The works authorized by this Order comprise the following:

1. A pier, with all necessary works, approaches, buildings, and conveniences in connexion therewith, for the embarking and landing of passengers, cattle, goods, and merchandize, and for other purposes, commencing in the parish of Ventnor, in the Isle of Wight, at or near the point where the public road from Mill Street runs into the esplanade, and extending in a southerly direction across the foreshore and into the sea for about 700 feet.

2. A sea wall or embankment and esplanade, with all necessary works in connexion therewith, extending from the commencement of the pier eastward, along the shore between high and low water mark, for a distance of about 640 yards.

Power to take rates in Schedule.

23.—The Company may, for the use of the pier and works connected therewith, demand and take in respect of the vessels, persons, and goods in the Schedule to this Order specified, any sums not exceeding the rates in that Schedule specified.

Lease of refreshment rooms and tolls, &c.

24.—The Company may erect upon the pier or approaches, toll houses, waiting, refreshment, and other rooms, and may lease such houses and rooms, and may also lease the tolls, rates, and duties authorized to be taken by this Order, upon such terms and conditions, and for such period (not exceeding seven years), as they think fit.

Certain fishing vessels under stress of weather exempt from rates.

25.—Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coast of the United Kingdom shall, when forced by stress of weather to make use of the pier authorized by this Order, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

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Pass tickets for use of pier.

26.—The Company may grant to passengers, promenaders, and other persons pass tickets for the use of the pier and works, at such rates, on such terms, and for such periods, not exceeding one year, as may be agreed upon, but so that no preference be given to any person. A pass ticket shall not be transferable, and shall not be used by any person other than the person to or for whom it is granted, or by any person after the period limited for its use. If any person acts in any way in contravention of this provision, or uses or attempts to use any false or counterfeit pass ticket, he shall for every such offence be liable to a penalty not exceeding twenty shillings, recoverable and applicable as penalties are recoverable and applicable under "The Harbours, Docks, and Piers Clauses Act, 1847," for all the purposes of which Act this Order shall be deemed the Special Act.

Exemption of custom house officers from rates.

27.—Officers of customs, in the execution of their duty, shall at all times have free egress, passage, and ingress from, to, and over, the pier and works by land, and with their vessels, without payment.

Steam engines, diving bells, lighters, &c.

28.—The Company may provide and use such steam engines, steam vessels, piling engines, diving bells, ballast lighters, rubbish lighters, barges, boats, cranes, buoys, mooring posts, mooring craft, weighing machines, tackle, and other machinery, vessels, apparatus, and conveniences as they think proper, for carrying on the business of the Company, or for any of the purposes of this Order, and may demand and take such sums for the use thereof as they think reasonable.

Meters and weighers.

29.—The Company shall have the appointment of meters and weighers on or in connexion with the pier.

Light to be exhibited.

30.—The Company shall, at the outer extremity of the pier and works authorized by this Order, exhibit from sunset to sunrise such light (if any) as shall from time to time be directed by the Corporation of Trinity House, Deptford Strond.

Restriction on use of pier.

31.—Nothing in this Order shall entitle any person with any vessel or boat to ship or unship at the pier authorized by this Order any sheep, cattle, or merchandize, or to ship or unship there anything which, in the judgment of the Company, might in any manner interfere with the use of the pier for recreation, or for the embarking or landing of passengers.

Parts of Harbours, &c. Act excepted.

32.—Sections sixteen to nineteen inclusive of "The Harbours, Docks, and Piers Clauses Act, 1847," shall not be incorporated with this Order.

Part IV. of Companies Act, 1862, incorporated.

33.—Part IV. of the Companies Act, 1862, as to the winding up of Companies and Associations under that Act, shall be incorporated with this Order, and shall apply to the Company in like manner as if it had been a Company registered under that Act with the liability of its members limited to the amount (if any) unpaid on the shares respectively held by them.

Powers to cease in certain events.

34.—In the following cases (that is to say):—

(1.) If within two years from the date of the passing of the Act confirming this Order the works authorized by this Order should not be substantially commenced; or

(2.) If such works, after having been commenced, should be virtually suspended for twelve consecutive calendar months,—

the powers by this Order given for executing such works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of such works as shall be then completed, unless the time for completion shall be extended by the special direction of the Board of Trade.

A certificate from the Board of Trade to the effect that the works have not been substantially commenced, or that they have been virtually suspended for twelve consecutive calendar months, shall, for the purposes of this Order, be conclusive evidence of the fact stated in such certificate.

Saving rights under "Crown Lands Act, 1866."

35.—This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866," nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges, without the assent of the Board of Trade having been first obtained.

Short title.

36.—This Order may be cited as "The Ventnor Pier and Esplanade Order, 1870."

SCHEDULE to which the foregoing Order refers.

I.—Rates on Vessels using the Pier.

	s.	*d.*
For every vessel under the burden of 15 tons, per ton	0	4
For every vessel of the burden of 15 tons and under 50 tons, per ton	0	6
For every vessel of the burden of 50 tons and under 100 tons, per ton	0	8
For every vessel of the burden of 100 tons and under 150 tons, per ton	0	10
For every vessel of the burden of 150 tons and upwards, per ton	1	0
All lighters, for each trip, per ton	0	6
All boats entirely open, landing or taking on board goods, each	0	6

II.—Rates for Goods shipped or unshipped at the Pier.

Light Goods, per cube foot	0	1
Heavy Goods, per ton	2	0

In charging the rates on goods, the gross weight or measurement of all goods to be taken; and for any less weights, measures, and quantities than those above specified, a portion of the respective rates shall be charged.

III.—Rates for use on Weighing Machines.

For goods weighed, for each ton or part of a ton	0	2

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IV.—RATES ON PASSENGERS AND PROMENADERS USING THE PIER.

	s.	*d.*	
For every passenger or other person who shall land on the pier from, or embark from it on board of, any ship, vessel, packet, or passage boat, for each time any sum not exceeding - - -	0	4	5
For every person who shall use the pier for the purpose of walking for exercise, pleasure, or any other purpose, except for embarking or disembarking, for each time any sum not exceeding - -	0	2	
For every bath or sedan chair taken on the pier, for each time any sum not exceeding - - - - -	0	6	10
For every perambulator taken on the pier, for each time any sum not exceeding - - - - - - -	0	2	
For every master of any vessel, boat, or wherry, being an inhabitant of the parish of Ventnor, and using the said pier for the purpose of going to or returning from his own vessel, boat, or wherry, an annual sum not exceeding - - -	20	0	15

V.—RATES ON PASSENGERS' LUGGAGE.

For every trunk, portmanteau, box, parcel, or other package within the description of luggage, not exceeding 28 lbs. - - -	0	2	
Over 28 lbs. and not exceeding 84 lbs. - - -	0	4	20
Over 84 lbs. and not exceeding 112 lbs. - - - -	0	5	
Over 112 lbs. and not exceeding 140 lbs. - - -	0	6	
Over 140 lbs. and not exceeding 196 lbs. - - - -	0	7	
Over 196 lbs. and not exceeding 2 cwt. - - -	0	8	
And for every cwt. beyond - - - - - -	0	4	25
And for every 20 lbs. weight in addition - - -	0	1	

Pier and Harbour Orders Confirmation (No. 2.)

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

For confirming certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Falmouth, Irvine, Kinsale, Mousehole, St. Leonards-on-Sea, and Ventnor.

(*Prepared and brought in by Mr. Shaw Lefevre and Mr. Stansfeld.*)

Ordered, by The House of Commons, *to be Printed,* 23 *June* 1870.

[Bill 178.]

Under 5 *oz.*

829

A

B I L L

FOR

Confirming a Provisional Order made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Burntisland. A.D. 1870.

WHEREAS a Provisional Order made by the Board of Trade under The General Pier and Harbour Act, 1861, is not of any validity or force whatever until the confirmation thereof by Act of Parliament: 24 & 25 Vict. c. 45.

And whereas it is expedient that the Provisional Order made by the Board of Trade under the said Act, and set out in the schedule to this Act, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The Order set out in the schedule to this Act shall be and the same is hereby confirmed, and all the provisions thereof in manner and form as they are set out in the said schedule shall, from and after the passing of this Act, have full validity and force. Confirmation of Order in schedule.

2. This Act may be cited as The Pier and Harbour Orders Confirmation Act, 1870 (No. 3.) Short title.

SCHEDULE.

A.D. 1870.

BURNTISLAND.

Burntisland.

Order for improving and maintaining the Harbour of Burntisland, in the county of Fife, and for constructing a Dock and other Works in connexion therewith.

Commencement of Order.

1. This Order shall take effect and be in force on and after the first day of October one thousand eight hundred and seventy.

Interpretation.

2. In this Order the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with this Order shall have the same respective meanings, and in the said Acts as incorporated with this Order the expression "the special Act" shall mean this Order, and the expression "the harbour, dock, or pier" in "The Harbours, Docks, and Piers Clauses Act, 1847," as incorporated with this Order, shall mean and include the Harbour of Burntisland, and the dock, piers, and works constructed or under this Order to be constructed in or connected therewith; and the following expressions in this Order and the schedule hereto annexed shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such constructions respectively, that is to say:—

"The Town Council" shall mean the magistrates and council of the Royal Burgh of Burntisland:

"The harbour" shall mean and include the Harbour of Burntisland, and the dock and works constructed, or under this Order to be constructed in or connected therewith, and the rest of the area comprised within the limits to which this Order extends:

"Commencement of this Order" shall mean the first day of October one thousand eight hundred and seventy.

Incorporation of Lands Clauses Acts.

3. "The Lands Clauses Consolidation (Scotland) Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," except so much thereof respectively as relates to the purchase and taking of lands otherwise than by agreement, are incorporated with and form part of this Order.

Incorporation of parts of Commissioners Clauses Act.

4. The clauses of "The Commissioners Clauses Act, 1847," with respect to the mortgages to be executed by the Commissioners, and with respect to the accounts to be kept by the Commissioners, so far as the same are not inconsistent with the provisions of this Order, and with the exception of sections eighty-four, ninety-two, and ninety-three of the said Act, shall be incorporated with this Order, and shall apply to the money to be borrowed and the mortgages or assignations in security to be granted by the Town Council under the

authority of this Order; and the word "Commissioners" in the said clauses of the said Act as incorporated with this Order shall mean the Town Council.

Undertakers.

5. The Town Council shall be the undertakers of the works authorized by this Order.

Byelaws to remain in force till altered.

6. The byelaws, rules and regulations made by the Town Council with reference to the harbour, and which are in force at the commencement of this Order, shall, until altered or recalled by the Town Council, continue in force and be applicable to the harbour and the works authorized by this Order.

Provision for payment of debts.

7. All debts and moneys due or payable by the Town Council in respect of the harbour at the commencement of this Order shall be payable and paid by the Town Council, and all harbour rates and duties and arrears of harbour rates and duties, and all other debts and moneys belonging, due or payable to the Town Council in respect of the harbour at the commencement of this Order, shall be payable to the Town Council, and shall be recoverable by them in the same way as such rates and duties and arrears of rates and duties and other debts and moneys would or might have been payable to or recoverable by them if this Order had not been made.

Mortgages to remain in force.

8. All mortgages and assignations or other securities granted by the Town Council for money borrowed by them on the security of the revenues of the harbour, and subsisting at the commencement of this Order, shall be and remain in full force, and the principal money so borrowed and owing by the Town Council, and the interest thereof accruing after the commencement of this Order, shall be charged on and payable from and out of the rates and revenues levied and received by the Town Council under the authority of this Order, in the same manner and to the same effect as if such money had been borrowed and such mortgages and assignations or other securities had been granted under the authority of this Order and had comprised such rates and revenues.

Conveyances and contracts to remain in force.

9. All conveyances, contracts and other deeds granted by, to or in favour of the Town Council with respect to the harbour shall be and remain as valid and effectual as if this Order had not been made, and may be enforced by and against the Town Council in the same way and to the same extent and effect as such conveyances, contracts and other deeds might or could have been enforced by or against the Town Council if this Order had not been made.

Limits of Harbour.

10. The limits within which the Town Council shall have authority and which shall be deemed the limits to which this Order extends shall comprise the tidal harbour of Burntisland and the dock, piers, quays and other works already constructed or to be constructed under this Order, and also the shore of the Firth of Forth, within the boundaries of the Royal Burgh of Burntisland as described and specified in the Public Act second and third William the Fourth, chapter sixty-five: Provided that no right or title to the shore or bed of the harbour or of the said firth is hereby conferred upon the Town Council.

Power to take lands by agreement.

11. For the purposes of the works authorized by this Order the Town Council may from time to time by agreement enter on, take, and use such lands in and around the harbour as may be required for these works, not exceeding in the whole thirty acres.

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Burntisland.

Power to construct works.

12. Subject to the provisions of this Order, and subject also to such alterations, if any, in the plan and sections deposited with reference to this Order as the Board of Trade require from time to time before the completion of the works, in order to prevent injury to navigation, the Town Council may on the lands belonging to them or on the lands purchased or acquired by them under the powers of this Order, and in the lines and situation and according to the levels and within the limits of deviation shown on the deposited plan and sections, make and maintain the works shown on the deposited plan and sections, and herein-after described; and the said works and such lands as may be purchased or acquired by the Town Council under the powers of this Order shall form part of the Harbour of Burntisland, and the provisions of this Order and the Acts therewith incorporated shall be applicable thereto.

Description of works.

13. The works authorized by this Order are a wet dock situate in the harbour and on lands adjoining thereto, and all necessary quays, wharfs, walls, roads, accesses, approaches, rails, tramways, sidings and other works and conveniences connected therewith, extending from east to west between a point on the east side of the harbour thirty-three yards or thereabouts north-eastwards of the north-east corner of the slaughter-house in the burgh of Burntisland, and a point on the line of high-water mark four hundred and sixty yards or thereabouts westward of the northern end of the wall or pier called Cromwell Dyke, and extending southwards to a point on or near the island on the south-western side of the harbour one hundred yards or thereabouts south of the southern end of the said Cromwell Dyke, with an entrance to the said wet dock from the harbour.

Power to maintain and improve harbour.

14. Subject to the provisions of this Order, it shall be lawful for the Town Council to maintain and improve the harbour, and from time to time to construct and maintain at the harbour locks, gates, bridges, quays, piers, jetties, wharfs, sewers, drains, roads, approaches, streets and other works, machinery and conveniences, to lay down and construct rails, tramways, sidings and turntables on and along the dock, quays, piers and other works of the harbour and lands connected therewith, to alter or remove the existing piers, quays, jetties and wharfs in the harbour, or any of them, to alter, dredge, scour, deepen, widen, enlarge, improve and maintain the dock and the entrances, channels and waterways of the harbour, and to alter, divert or shut up roads or streets so far as may be necessary for the purposes of the harbour and works in and connected therewith.

Town Council may lease rails.

15. The Town Council may from time to time lease or grant the use or occupation of any lines of rails, sidings, turntables or machinery provided by or belonging to them at such rent and upon such terms and conditions as shall be agreed upon between them and the persons to whom such lease or use or occupation is granted; but no such lease shall be granted for a longer period than ten years.

Penalty for obstructing works.

16. Every person who wilfully obstructs any person acting under the authority of the Town Council in setting out the lines of the works by this

Order authorized, or who pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of the said works, or defaces or destroys the said works, or any part thereof, shall for every such offence be liable to a penalty not exceeding five pounds.

Cesser of existing rates.

17. From and after the commencement of this Order, and subject to the provisions thereof, the rates, duties and customs at present leviable by the Town Council on vessels and goods at and in respect of the harbour shall cease to be levied, and the rates authorized by this Order to be levied shall commence and be leviable.

Commencement of new rates.

18. From and after the commencement of this Order, and subject to the provisions thereof, the Town Council may for the use of the harbour and works demand and receive in respect of vessels, animals, fish, and goods described in the schedule annexed to this Order any sums not exceeding the several rates specified in the said schedule.

Rates for use of warehouses.

19. The Town Council may demand and receive such rates or other consideration as they may think reasonable for the use of any warehouses, sheds, buildings, weighing-machines, steam or hydraulic cranes, works, and conveniences belonging to the Town Council, for the use of which rates are not specially fixed in the Schedule annexed to this Order.

Town Council may provide and license steamtugs.

20. The Town Council may from time to time build, purchase, contract for, or hire, and may maintain, use, and let steamtugs or other power for the use and accommodation of vessels frequenting the harbour, and may also from time to time license such number of steamtugs or other power belonging to any person for such period and on such terms and conditions as they think fit.

Charges for steamtugs.

21. The Town Council may from time to time fix such rates or charges as appear to them reasonable for or in respect of the use of such steamtugs or other power maintained, used, and let or licensed by them, and such rates or charges shall be paid by the owner, agent, master, consignee, or other person having charge of the vessel obtaining the assistance of such steamtug or other power to the Town Council, or to their lessee, or to the person with whom they may contract, or to the owner of such steamtug or other power if licensed by the Town Council, as the case may be; and such rates and charges shall be due and payable whether such steamtug or other power shall be actually employed or not, provided the assistance thereof shall have been required and shall in consequence of such requisition have been tendered by the master or other person having the command of such steamtug or other power.

Penalty for using or employing steamtugs without the license of the Town Council.

22. Every person who, without the license of the Town Council first applied for and obtained, shall use or employ any steamtug or other power for towing vessels within the harbour, except such steamtugs or other power as shall be provided or employed by the Town Council, or by their lessee, contractor, or other person having their authority, and except also any steamtug or other power which is being employed in towing a vessel from any other harbour to or

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beyond the harbour, or from the harbour to any other harbour, shall for every such offence be liable to a penalty not exceeding five pounds.

Town Council may provide dredges and engines.

23. The Town Council may from time to time purchase, lease, provide, or hire such dredges, engines, tugs, vessels, lighters, plant, or other materials as they think fit, and may from time to time demand and receive such sums for the use of the same as they think fit, or may sell or dispose of the same, and the money thereby realized shall be applied towards carrying into effect the purposes of this Order, or some of them.

Town Council may contract for supply of water and gas.

24. The Town Council may contract with any commissioners, corporation, company, or person for a supply of water to vessels in the harbour, and for the extinction of fires in such vessels, and for the working of gates, locks, bridges, cranes, or other machinery or conveniences at the harbour, and also for a supply of gas for the use of the harbour, and the quays, buildings, and property within the limits thereof.

Rates for water supplied to vessels.

25. The Town Council may demand and receive from the owner, agent, master, consignee, or other person in charge of any vessel receiving a supply of water such rates not exceeding sixpence for every one hundred gallons or any quantity less than one hundred gallons of water supplied, as they may find necessary for defraying the expense of the supply of water to vessels, and affording protection against fire; but such rates shall not be leviable in respect of any vessel unless water shall be actually supplied to such vessel.

Certain fishing vessels under stress of weather exempt from rates.

26. Fishing vessels belonging to countries with which, for the time being, treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom shall, when forced by stress of weather to make use of the harbour, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Rates may be leased.

27. The Town Council may from time to time lease the rates authorized by this Order for any period not exceeding ten years, and for such rent or consideration and on such terms and conditions as they think fit; and the lessee shall have and may exercise during the continuance of his lease the same powers of levying and recovering the said rates as the Town Council have or might exercise under "The Harbours, Docks, and Piers Clauses Act, 1847," and this Order.

Customs officers.

28. Officers of Customs being in the execution of their duty shall at all times have free ingress, passage, and egress to, through, and out of the harbour and the works of the Town Council, by land and with their vessels and otherwise without payment.

Power to borrow money.

29. In addition to the sum of ten thousand pounds borrowed by the Town Council on the security of the revenues of the harbour, and owing by them at the commencement of this Order (herein-after called the existing harbour debt), the Town Council may from time to time borrow on mortgage such money as may be required for carrying into effect the purposes of this Order, not exceeding the sum of sixty thousand pounds, on the security of the harbour and

existing works and the works authorized by this Order, and the lands and property connected therewith respectively, and of the rates, duties, and customs now leviable by the Town Council, or the rates authorized by this Order, and any other property of the Town Council.

Town Council may borrow on cash account.

30. The Town Council may accept and take from any bank or banking company in Scotland credit on a cash account to be opened and kept with such bank or banking company in the name of the Town Council, according to the usage of bankers in Scotland, to the extent of the sum which the Town Council are by this Order authorized to borrow, or any part thereof, and may assign the present rates, duties and customs, and the rates by this Order authorized to be levied in security of the payment of the amount of such credit or of the sums advanced from time to time on such cash account with interest thereon.

Application of money borrowed.

31. Every part of the money borrowed by the Town Council under this Order shall be applied only for the purposes authorized by this Order.

Mortgages to be personal estate.

32. All mortgages or assignations in security to be granted by the Town Council under the authority of this Order, and all moneys to be advanced and lent under the provisions of this Order, shall be moveable or personal estate and transmissible as such, and shall not be of the nature of heritable or real estate.

Re-borrowing.

33. If the Town Council pay off any part of the existing harbour debt, or if after having borrowed any part of the money by this Order authorized to be borrowed the Town Council pay off the same, otherwise than by means of the sinking fund herein-after provided, it shall be lawful for them again to borrow the amount so paid off, and so from time to time.

Sheriff of Fife to appoint auditor.

34. The Town Council shall annually apply to the sheriff of the county of Fife for the appointment of an auditor, being a person well skilled in accounts and not being one of the Town Council or holding office under them, to audit and docquet the accounts of the Town Council; and in case the office of the auditor shall, before such accounts have been audited by him, become vacant by death or from any other cause, the said sheriff shall from time to time appoint an auditor to supply such vacancy.

Accounts to be audited.

35. It shall be the duty of the auditor, once in every year, to audit the accounts of the Town Council; and for that purpose the Town Council shall deliver to him their accounts and books and the proper vouchers in support of the same; and the auditor shall examine the accounts and account books and vouchers of the Town Council, and may either make a special report on the said accounts or simply confirm the same, and such report or confirmation shall be read to the Town Council at their annual meeting; and the Town Council shall pay to the auditor for his trouble in making such audit a sum of not less than five pounds five shillings and not exceeding ten pounds ten shillings per annum, depending upon the extent of trouble he may incur.

Sinking fund to be formed.

36. On and after the expiration of four years from the commencement of this Order, the Town Council shall, from and out of the rates and revenues now levied and received by them, or to be levied and received by them under the authority of this Order, set apart yearly such sums as they think fit, not

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being less than one pound per centum per annum on the existing harbour debt and on the money borrowed under the authority of this Order; and the sums so to be set apart shall be applied as a sinking fund in paying off the principal money borrowed or to be borrowed by the Town Council, and shall be invested in Government securities, or deposited in any bank in Scotland incorporated under Act of Parliament or by Royal Charter, and shall be increased by accumulation in the way of compound interest, or otherwise, until the same shall be of sufficient amount to pay off the principal money to which such sinking fund shall be applicable, or some part thereof which the Town Council think ought then to be paid off, at which time the said sums shall be applied in paying off the said principal money or part thereof.

Application of rates and revenues.

37. The Town Council shall apply all money received by them from the rates and revenues now levied and received by them or to be levied and received by them under this Order, and all other income coming into their hands in respect of the harbour and existing works and of the works authorized by this Order, or from lands or property connected therewith, for the purposes and in the order following, and not otherwise:—

1. In paying the costs of and connected with the preparation and making of this Order:
2. In paying the expense of maintaining, repairing, managing, and regulating the harbour:
3. In paying year by year the interest of the existing harbour debt:
4. In paying or applying year by year the sum of five hundred pounds per annum for municipal purposes for the period of ten years as herein-after provided:
5. In paying year by year the interest of money borrowed under the authority of this Order:
6. In paying any sums which may be required to be set aside as a sinking fund for the payment of the principal money borrowed or to be borrowed by the Town Council:
7. In paying the expense of improving the harbour and constructing the wet dock and other works in connexion therewith authorized by this Order.

Application of annual sum for municipal purposes.

38. From and out of the rates and revenues now levied and received by the Town Council or to be levied and received by them under the authority of this Order, and from and out of any composition for harbour or burgh rates, dues, or customs payable to the Town Council under any agreement or Act of Parliament or otherwise, and any other revenues of the harbour, the Town Council may pay and apply the sum of five hundred pounds per annum for municipal purposes connected with the burgh of Burntisland for the period of ten years from and after the commencement of this Order; and on the first day of October one thousand eight hundred and eighty the said payment for municipal purposes shall cease and determine, and thereafter the whole rates, compositions, and revenues now levied and received by the Town Council or to be levied and

received by them under the authority of this Order, for or in respect of the harbour, shall be applied for the purposes relating to the harbour before specified, and to no other purpose whatsoever.

Saving agreement with North British Railway Company.

39. Nothing in this Order contained shall prejudice or affect any agreement between the Town Council and the North British Railway Company with respect to the composition payable by the said Company for or in lieu of shore dues and customs leviable by the Town Council on goods, animals, coals, matters, and things shipped and landed by or for the said Company at the harbour or within the limits thereof, or carried by or from their railway across the Burntisland and Granton Ferry and within or through the burgh of Burntisland, or the provisions of any Act of Parliament relating to such agreement or composition; and neither the right of the Town Council to recover nor the liability of the said Company to pay the said composition or the said shore dues and customs shall be altered, affected, extended, or diminished by or in consequence of the repeal of the rates, dues, and customs leviable by the Town Council before the commencement of this Order, or the granting of the rates authorized by this Order, or by anything contained in this Order.

Power to enter into agreements with North British Railway Company.

40. The Town Council and the North British Railway Company may from time to time enter into agreements with respect to the construction of the intended wet dock, and the deepening, enlargement, and improvement of the harbour, the tolls, rates, and charges on traffic passing over the North British Railway, or any part thereof, to or from the harbour, the rates chargeable at the harbour or in respect of burgh or other dues and customs, or payments to be made by the said Company in lieu of such rates, dues, and customs, and the accommodation to be given to the said Company at the harbour, and any other matters relating to the purposes of this Order.

Town Council to be pilotage authority.

41. The Town Council shall be a pilotage authority and local authority within the meaning of "The Merchant Shipping Act, 1854," and Acts amending the same, for the purpose of appointing, licensing, and regulating pilots for the harbour, and for conducting vessels departing from or coming into the harbour out of and into the Firth of Forth; and the Town Council shall have all the powers conferred by those Acts on pilotage authorities and on local authorities; provided that the rates of pilotage to be demanded and taken by any pilot appointed and licensed by the Town Council shall be the same as the rates of pilotage for the time authorized to be levied by the Trinity House of Leith.

Meters and weighers.

42. The Town Council shall have the appointment of meters and weighers within the limits of the harbour.

Lands for extraordinary purposes.

43. The Town Council shall not acquire for extraordinary purposes lands exceeding in extent in the whole ten acres.

Exception of parts of Harbour, &c. Act, 1847.

44. Sections sixteen, seventeen, eighteen, nineteen, twenty-five, and twenty-six of "The Harbours, Docks, and Piers Clauses Act, 1847," shall not be incorporated with this Order.

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Light to be exhibited.

45. The Town Council shall, at the outer extremity of the dock and works authorized by this Order, exhibit, from sunset to sunrise, such light (if any) as shall from time to time be directed by the Commissioners of Northern Lighthouses.

Powers to cease in certain events.

46. In the following cases (that is to say) :—

(1.) If within two years from the date of the passing of the Act confirming this Order the works authorized by this Order should not be substantially commenced; or

(2.) If such works, after having been commenced, should be virtually suspended for twelve consecutive calendar months;—

the powers by this Order given for executing such works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of such works as shall be then completed, unless the time for completion shall be extended by the special direction of the Board of Trade; and the rates by this Order authorized to be levied shall cease to be levied, and in lieu thereof the rates, duties, and customs at present leviable shall be revived, and shall thenceforth be leviable at and in respect of the harbour, as if this Order had not been made.

A certificate from the Board of Trade to the effect that the works have not been substantially commenced, or that they have been virtually suspended for twelve consecutive calendar months, shall, for the purposes of this Order, be conclusive evidence of the fact stated in such certificate.

Saving rights under Crown Lands Act, 1866.

47. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866," nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges, without the assent of the Board of Trade having been first obtained.

Saving rights of Town Council.

48. Nothing in this Order contained shall prejudice or affect the right of the Town Council to levy burgh customs or dues on goods brought into or passing through the burgh of Burntisland, or any rights of ferry between Burntisland and Leith presently possessed by the Town Council.

Short title.

49. This Order may be cited as "The Burntisland Harbour Order, 1870."

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SCHEDULE to which the foregoing Order refers.

I.—Rates on Vessels entering, using, or departing from the Harbour.

	Rates per Register Ton. s.	d.
1. On all vessels entering, using, or departing from the tidal harbour -	0	4
2. On vessels entering, using, or departing from the dock:—		
(1.) All vessels navigating to or from any port in Great Britain and Ireland - - - - -	0	4
(2.) All vessels navigating to or from any port out of Great Britain and Ireland - - - -	0	6
3. All steam vessels navigating to or from any port in Great Britain and Ireland, carrying passengers and their luggage exclusively, and entering, using, or departing from the tidal harbour or dock -	0	2
4. All steam vessels employed in the Firth of Forth, carrying passengers and their luggage exclusively, and entering, using, or departing from the tidal harbour or dock - - - - -	0	1

5. All steam vessels carrying goods and passengers to pay the same rates as sailing vessels.

6. All vessels to be permitted to enter the harbour for safety, on payment of one half of the rates; but if such vessels shall remain in the harbour or the dock beyond the space of twenty-one days, or shall take goods on board (stores for their own use excepted), or break bulk, they shall be liable in the full rates.

7. All vessels remaining in the harbour to pay, after two months, one penny per register ton per month in advance, when they are lying in the harbour, and one penny halfpenny per ton when lying in the dock.

8. All vessels with fish of any kind for curing, per ton register or admeasurement, twopence.

9. All fishing boats entering the tidal harbour with fresh fish, fourpence each.

Light Dues.

On all vessels entering or using the harbour or dock, per register ton one halfpenny.

Exemptions from the Rates on Vessels.

1. Vessels on which the rates in respect of the dock have been paid shall not be liable to any additional rates for entering, using, or departing from the tidal harbour.

2. All vessels leaving the harbour for the purpose of taking on board ballast in any part of the Firth of Forth, and returning to the harbour with ballast, shall not be liable in rates for such return.

3. All vessels not carrying passengers arriving in the harbour in ballast, and departing again in ballast, shall be subject only in half rates; but if such vessels, after arriving in ballast, shall take in cargoes or parts of cargoes before their departure, they shall be liable in full rates.

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II.—RATES ON ANIMALS, FISH, AND GOODS SHIPPED, UNSHIPPED, OR TRANSHIPPED WITHIN THE HARBOUR.

	Inwards.		Outwards.	
	s.	*d.*	*s.*	*d.*
Acorns - - - - - per quarter	0	3	0	3
Alabaster - - - - - per ton	2	0	2	0
Ale, strong, in casks - - per barrel bulk	0	3	0	3
strong, in bottles - - per barrel bulk	0	1	0	1
Almonds - - - - per barrel bulk	0	4	0	2
Alum, rock - - - - per ton	1	0	1	0
Ammonia, or gas water - - per barrel bulk	0	0½	0	0½
Animalized carbon for manure - - per ton	0	9	0	9
Apples - - - - - per bushel	0	1	0	1
Argol - - - - - per ton	2	0	2	0
Arrow-root - - - per barrel bulk	0	4	0	4
Ashes, pot or pearl - - - per ton	2	3	0	6
Weed and wood - - - per ton	1	6	1	6
Bones, foreign - - - per ton	1	0	0	6
Asphalte and bitumen - - - per ton	0	6	0	6
Bacon or Hams - - - per barrel bulk	0	3	0	3
Barilla - - - - - per ton	1	6	1	6
Bark, oak - - - - per ton	1	6	1	6
Quercitron - - - - per ton	2	0	2	0
Barley, shelled or pearl - - per cwt.	0	1	0	1
Basket rods - - - - - per bundle	0	1	0	1
Baskets, viz. Under 12 inches in diameter - per dozen	0	1	0	1
Above 12 inches in diameter - per dozen	0	2	0	2
Barrels, empty herring - - per dozen	0	4	0	4
Beef or pork - - - per barrel bulk	0	2	0	2
Beer, spruce - - - per barrel bulk	0	2	0	2
Berries, dried and preserved - - per barrel bulk	0	6	0	6
Biscuit - - - - - per ton	1	6	1	0
Blacking - - - - per barrel bulk	0	4	0	4
Bleaching powder - - - per ton	1	6	1	6
Blubber - - - per 252 imperial gallons	1	3	1	3
Bones - - - - - per ton	1	0	0	6
Bone dust - - - per ton of 40 bushels	1	0	0	6
Books - - - - - per barrel bulk	0	6	0	6
Boots and shoes - - - per barrel bulk	0	4	0	4
Bottles, of green or common glass, not less than pints - - per gross	0	3	0	3
If less than pints - - per gross	0	2	0	2
Bottles, broken - - - - per ton	0	3	0	3

	Inwards.		Outwards.	
	s.	*d.*	*s.*	*d.*
Boats, new, viz., 12 to 14 feet keel - - each	2	0	2	0
14 to 16 feet keel - - each	2	6	2	6
16 to 18 feet keel - - each	3	0	3	0
18 to 20 feet keel - - each	3	6	3	6
20 feet and above - - each	4	6	4	6
All other boats in proportion.				
Boxes and kits, empty, if not returned per barrel bulk	0	1	0	1
Brushes - - - - per barrel bulk	0	4	0	4
Brooms, birch and heather - - per dozen	0	1	0	1
Broom and brush handles, heads and stocks - - - - per barrel bulk	0	2	0	2
Bran - - - - - per chaldron	0	8	0	8
Brass - - - - - per cwt.	0	2	0	2
Brass, old - - - - per cwt.	0	1	0	1
Bricks, common, common size - - per 1,000	0	10	0	10
Fire, common size, and Bath - per 1,000	2	0	2	0
All above in proportion.				
Brimstone, refined - - - per ton	2	0	2	0
rough - - - - - per ton	0	9	0	9
Bristles - - - - - per cwt.	0	8	0	8
Bulrushes - - - - - per load	1	0	1	0
Butter - - - - per barrel bulk	0	4	0	4
Calves' velves - - - - - per cwt.	0	2	0	2
Candles - - - - per barrel bulk	0	4	0	4
Cane reeds - - - - per 1,000	0	9	0	9
Casks, empty, not being returned packages - - - - per puncheon	0	3	0	3
Other casks in proportion.				
Cattle, viz.—				
Bulls - - - - - each	1	0	1	0
Cows and oxen - - - - each	1	0	1	0
Calves - - - - - each	0	4	0	4
Horses, 12 hands and upwards - - each	2	0	2	0
Ditto, under 12 hands - - - each	1	0	1	0
Pigs - - - - - - each	0	2	0	2
Sheep - - - - - - each	0	2	0	2
Lambs - - - - - each	0	1	0	1
Asses and mules - - - - each	1	0	1	0
Caviare - - - - per barrel bulk	0	6	0	6
Carrots - - - - - per ton	0	6	0	6
Cards, tow and wool - - per barrel bulk	0	4	0	4
Candle wicks - - - per barrel bulk	0	2	0	2
Caraway seeds - - - per barrel bulk	0	4	0	4
Carriages, viz.—				
Mail and stage coaches - - - each	12	6	12	6
Coach or chariot - - - each	10	0	10	0
Post chaise - - - - each	7	6	7	6
Britska - - - - - each	7	6	7	6
Phaëton - - - - each	5	0	5	0
Gig - - - - - - each	3	0	3	0
Other carriages in proportion.				

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	Inwards.		Outwards.	
	s.	*d.*	*s.*	*d.*
Carriages, railway, 1st class - - - each	50	0	50	0
2nd class - - - each	40	0	40	0
3rd class - - - each	30	0	30	0
Waggons, close - - each	20	0	20	0
Ditto open - - each	10	0	10	0
Carriages, packed - - - per barrel bulk	0	4	0	4
Cement - - - - - per ton	1	0	1	0
Chalk - - - - - per ton	0	3	0	3
Charcoal (wood) - - - per ton	2	6	2	6
Cheese - - - - - per ton	2	0	0	8
Chestnuts - - - - per barrel bulk	0	4	0	4
Chimney cans, three feet high and above - per 100	3	0	3	0
Under three feet - - per 100	2	0	2	0
China ware - - - per barrel bulk	0	2	0	2
Chrome ore - - - - - per ton	0	6	0	6
Cider - - - - per barrel bulk	0	2	0	2
Cigars - - - - per barrel bulk	1	0	1	0
Cinders and coke - - - per ton	0	7	0	7
Cinnamon - - - - per barrel bulk	0	4	0	2
Clay, viz.:—				
China clay or stone clay - - - per ton	0	6	0	6
Pipe clay - - - - per ton	0	6	0	6
Other kinds in proportion.				
Clothiery - - - - per barrel bulk	0	6	0	2
Cloth, brown or bleached linens, viz.:—				
Osnaburgs - - - - per piece	0	$0\frac{1}{2}$	0	1
Sheeting - - - - per piece	0	$0\frac{1}{2}$	0	1
Dowlas - - - - per piece	0	$0\frac{1}{2}$	0	1
Ducks - - - - per piece	0	$0\frac{1}{2}$	0	1
Ravenducks - - - per piece	0	$0\frac{1}{2}$	0	1
Ticklenburgs - - - - per piece	0	$0\frac{1}{2}$	0	1
Drillings - - - - per piece	0	$0\frac{1}{2}$	0	1
Shirtings - - - - per piece	0	$0\frac{1}{2}$	0	1
Silesias - - - - per piece	0	$0\frac{1}{2}$	0	1
Pocketing - - - - per piece	0	$0\frac{1}{2}$	0	$0\frac{3}{4}$
Scrims - - - - per piece	0	$0\frac{1}{2}$	0	$0\frac{3}{4}$
Diaper - - - - - per piece	0	$0\frac{1}{2}$	0	1
Hessians or wrappering, 40 inches and under - - - - per piece	0	$0\frac{1}{2}$	0	1
Ditto ditto, for every 10 inches above 40 - - - - per piece	0	$0\frac{1}{8}$	0	$0\frac{1}{4}$
Sail cloth - - - - per piece	0	$0\frac{1}{2}$	0	$0\frac{3}{4}$
Bagging and sacking of all kinds, 40 inches and under - - - per piece	0	$0\frac{1}{2}$	0	$0\frac{3}{4}$
And for every 10 inches above 40 - per piece	0	$0\frac{1}{8}$	0	$0\frac{1}{4}$
Pimento bagging - - - per piece	0	$0\frac{1}{2}$	0	$0\frac{3}{4}$
Tarpauling - - - - per piece	0	$0\frac{1}{2}$	0	$0\frac{3}{4}$
Tarpauling covers - - - per barrel bulk	0	$1\frac{1}{2}$	0	3
Browns - - - - per piece	0	$0\frac{1}{2}$	0	$0\frac{3}{4}$
Canvas broad - - per barrel bulk	0	$1\frac{1}{2}$	0	3
Linen cloth, when cut down into short lengths, to pay as the original piece would have been rated.				

	Inwards.		Outwards.	
Cloth, Brown or Bleached Linens—*continued.*	*s.*	*d.*	*s.*	*d.*
Sacks, made of 4 Bushels (others in proportion) - - - - per 100	0	1½	0	3
Sand bags - - - - per 100	0	0¾	0	1½
Guano bags - - - - per 100	0	1	0	1
Wool packs - - - per 100	0	3	0	6
Carpeting, jute - - - per piece	0	1	0	1
Rugs, jute - - - per barrel bulk	0	1½	0	1½
Bell pulls, jute - - per barrel bulk	0	2	0	2
Clothes, made - - - per barrel bulk	0	4	0	4
Cochineal - - - - per cwt.	1	0	0	4
Cocoa - - - - per ton	3	0	1	0
Coffee - - - - per barrel bulk	0	4	0	1
Cocoa-nuts - - - - per 100	0	3	0	1
Cocoa-nut fibre - - - per ton	1	0	0	4
Copper - - - - per ton	3	6	3	6
Old - - - - per ton	2	6	2	6
Ore - - - per ton	0	9	0	3
Copperas - - - - - per ton	0	6	0	6
Coprolites - - - - per ton	0	6	0	6
Coral - - - - - per cwt.	0	6	0	6
Cordage - - - - - per ton	1	6	1	6
Corks - - - - per barrel bulk	0	3	0	3
Corkwood - - - - - per ton	3	0	1	0
Corn, viz.:—				
Barley, bere, or big - - per quarter	0	1	0	1
Beans - - - - per quarter	0	1	0	1
Indian corn - - - per quarter	0	1	0	1
Malt - - - - per quarter	0	2	0	2
Oats - - - - per quarter	0	2	0	1
Pease - - - - per quarter	0	1	0	1
Pease, split - - - - per cwt.	0	1	0	1
Rye - - - - per quarter	0	1	0	1
Wheat - - - - per quarter	0	3	0	1
Coals - - - - - per ton	0	3	0	1
Codilla - - - - - per ton	1	8	0	5
Cobles, new, viz.:—12 to 14 feet long - each	2	0	2	0
14 to 16 feet long - each	2	6	2	6
16 to 18 feet long - each	3	0	3	0
18 to 20 feet long - each	3	6	3	6
All other Cobles in proportion.				
Confections - - - per barrel bulk	0	4	0	4
Cotton cake - - - - per ton	0	9	0	6
Cotton wool - - - - per ton	2	0	0	8
Crystal - - - - per barrel bulk	0	4	0	4
Currants - - - - per barrel bulk	0	4	0	2
Cutch - - - - per ton	1	0	1	0
Dogs, sporting - - - - each	0	9	0	9
All others - - - - each	0	3	0	3
Draff - - - - - per quarter	0	0½	0	0½
Drugs, and all merchandize for druggists per barrel bulk	0	6	0	6

	Inwards.		Outwards.	
	s.	*d.*	*s.*	*d.*
Earthenware, packed - - per barrel bulk	0	1	0	1
In bulk - - - per 100 dozen	3	0	3	0
Eggs - - - - per barrel bulk	0	3	0	3
Elephants' teeth - - - - per cwt.	0	6	0	6
Emery - - - - - per cwt.	0	1	0	1
Esparto - - - - - per ton.	0	6	0	6
Feathers - - - - per cwt.	0	6	0	6
Felt - - - - per barrel bulk	0	2	0	2
Fish, salted dry - - - per boat	5	0	5	0
Ditto - - - - per ton	1	3	1	0
Pickled or smoked - - per barrel bulk	0	1	0	1
Figs - - - - per barrel bulk	0	4	0	2
Flint stones - - - - per ton	0	4	0	4
Flower roots - - - per barrel bulk	0	3	0	3
Flax - - - - per ton	2	3	0	6
Flour - - - - per sack	0	1½	0	1½
Ditto, potatoe - - - per sack	0	2	0	2
Furriers' waste - - - - per ton	0	3	0	3
Gambia - - - - - per ton	1	6	1	6
Game - - - - per barrel bulk	0	9	0	9
Ginger - - - per barrel bulk	0	4	0	2
Ditto, preserved - - - per cwt.	0	3	0	3
Ginseng - - - - per cwt.	0	6	0	6
Glass, window - - - per crate	0	6	0	6
In boxes - - - per barrel bulk	0	4	0	4
Broken - - - per ton	0	4	0	4
Glue - - - per barrel bulk	0	3	0	3
Grapes - - - per barrel bulk	0	6	0	6
Grease - - - - per ton	1	0	1	0
Groceries, not otherwise rated - per barrel bulk	0	4	0	4
Guano - - - - per ton	1	0	0	3
Gunpowder - - - - per cwt.	0	3	0	3
Gypsum - - - - per ton	0	6	0	6
Haberdashery, comprehending cotton, silk, and hosiery Goods - - per barrel bulk	0	6	0	2
Flannel - - per barrel bulk	0	3	0	3
Unbleached cotton, 2 barrels bulk and upwards - - per barrel bulk	0	3	0	3
Hair, cow, ox, or bull - - - per cwt.	0	2	0	2
Horse - - - - per cwt.	0	6	0	6
Goat's hair or wool - - - per cwt.	0	2	0	2
Hair Powder - - - - per cwt.	0	6	0	6
Hardware - - - per barrel bulk	0	6	0	6
Hats - - - - per barrel bulk	0	4	0	4
Hay - - - - - per ton	0	10	0	10
Hemp, rough - - - - per ton	2	3	0	6
Hempseed cake - - - per ton	0	9	0	6
Hemp-Jute - - - - per ton	1	0	0	4

	Inwards.		Outwards.	
	s.	*d.*	*s.*	*d.*
Herrings - - - - per barrel	0	2	0	1
Ditto, in bulk - - - per cran	0	1	0	1
Hides - - - - - per 100	2	0	2	0
Ditto, dried - - - - per ton	3	0	3	0
Honey - - - - - per cwt.	0	2	0	2
Hoops of wood, all of the size of puncheon hoops, and under - - - - per 1,000	0	9	0	9
All above - - per 1,000	1	0	1	0
Iron - - - - per ton	1	0	0	4
Hops - - - - per cwt.	0	4	0	4
Horns, slugs, tips, and hoofs - - per ton	2	6	2	6
Household furniture, new - - per barrel bulk	0	3	0	3
Old - - per barrel bulk	0	2	0	2
Husbandry utensils, viz.:—				
Waggon with four wheels - - each	3	0	3	0
Box cart - - - - each	1	6	1	6
Plough - - - - each	0	6	0	6
Harrows - - - - pair	0	6	0	6
Wheel barrow - - - each	0	2	0	2
Other husbandry implements - per barrel bulk	0	2	0	2
Indigo - - - - per barrel bulk	1	0	0	4
Ink - - - - per barrel bulk	0	2	0	2
Iron, viz.:—				
Bar, bolt, and rod - - - per ton	1	0	0	4
Railway bars and chairs - - per ton	0	9	0	9
Plate, sheet and forged - - per ton	1	0	0	4
Made work - - - per ton	1	6	1	6
Old iron - - - - per ton	0	4	0	4
Cast iron goods - - - per ton	1	3	1	3
Ditto, commonly called ironmongery, when in bulk per ton	1	6	1	6
Old or broken cast iron - - per ton	0	4	0	4
Pig - - - - - per ton	0	4	0	2
Ivory - - - - - per cwt.	0	6	0	2
Junk, old - - - - per ton	0	6	0	6
Kelp - - - - - per ton	0	6	0	6
Kips - - - - per 100	1	6	1	6
Ditto, dried - - - - per ton	3	0	3	0
Kiln pavement - - per 30 superficial feet	0	2	0	2
Lard - - - - - per ton	2	0	2	0
Latten black - - - per ton	2	0	2	0
Lead, Pig - - - - per ton	1	6	0	6
Black - - - - per ton	2	0	2	0
Ore - - - - per ton	1	0	1	0
Red and white - - - per ton	2	0	2	0
Shot - - - - per ton	1	6	0	6
Pipes - - - - per ton	1	6	1	6
Leather, tanned - - - - per ton	2	6	2	6
Dressed - - - per ton	3	6	3	6
Other kinds not enumerated - per barrel bulk	0	4	0	4
Lemons - - - - - per chest	0	4	0	1

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	Inwards.		Outwards.	
	s.	*d.*	*s.*	*d.*
Limes - - - - per cask	0	4	0	1
Lime - - - - per chaldron	0	6	0	6
Linseed cakes - - - per ton	1	6	0	6
Loam - - - - per ton	0	1	0	1
Locust meal - - - - per ton	0	9	0	9
Machinery - - - per barrel bulk	0	3	0	3
Madder - - - - - per ton	2	6	0	10
Ditto Roots - - - per ton	2	0	0	8
Manganese - - - - per ton	1	0	0	4
Mangold wurzel - - - - per ton	0	4	0	4
Manna croop - - - per barrel bulk	0	4	0	4
Marble - - - - - per ton	1	0	1	0
Matting, of cocoa nut fibre - - per barrel bulk	0	1	0	1
Matches, lucifer - - per barrel bulk	0	3	0	3
Mats, bass - - - - per 100	0	6	0	2
Manure - - - - - per ton	0	1	0	1
Chemical - - - per ton	0	9	0	9
Marmalade - - - per barrel bulk	0	2	0	2
Meal - - - - per 140 lbs.	0	1	0	1
Metal, patent - - - per ton	3	0	3	0
Mill waste - - - - - per ton	0	3	0	3
Mine dust - - - - - per ton	0	2	0	2
Mohair yarn - - - - per cwt.	0	2	0	2
Molasses - - - - - per ton	1	0	1	0
Moss rock - - - - - per ton	1	6	1	6
Musical instruments - - per barrel bulk	0	4	0	4
Mussels - - - - per bushel	0	0½	0	0½
Naphtha - - - - per barrel bulk	0	3	0	3
Nitrate of soda - - - per ton	1	0	1	0
Nut cake - - - - - per ton	0	9	0	6
Nuts - - - - per barrel bulk	0	4	0	4
Nutmegs - - - - per barrel bulk	0	4	0	4
Oakum - - - - - per ton	1	0	1	0
Ochre - - - - - - per ton	0	6	0	6
Oils - - - - - - per ton	2	0	1	0
Onions - - - - - per bushel	0	1	0	1
Oranges - - - - - per chest	0	3	0	3
Orchella weed - - - - per ton	2	0	2	0
Oysters - - - - - per barrel bulk	0	4	0	4
Paper, viz.:—				
Writing and printing - - per barrel bulk	0	6	0	6
Packing - - - - per barrel bulk	0	3	0	3
Paper pulp - - - - per ton	0	9	0	9
Passengers' luggage, if under 2 barrels bulk, free—all above - - - per barrel bulk	0	6	0	6
Perry - - - - - per barrel bulk	0	2	0	2
Peats - - - - - per 100	0	1	0	1
Pepper - - - - - - per barrel bulk	0	4	0	2
Pigs' heads - - - - per barrel bulk	0	3	0	3
Pimento - - - - - per barrel bulk	0	4	0	2
Pitch - - - - - - per barrel	0	1½	0	1
Plants of trees or shrubs - - - per barrel bulk	0	1	0	1

	Inwards.		Outwards.	
	s.	*d.*	*s.*	*d.*
Plums - - - - per barrel bulk	0	4	0	2
Plaster of Paris - - - - per ton	1	0	0	4
Porter, in casks - - - per barrel bulk	0	3	0	3
In bottles - - - per barrel bulk	0	1	0	1
Potatoes - - - - - per ton	0	4	0	4
Poultry - - - - per dozen	0	2	0	2
Preserved provisions - - per barrel bulk	0	4	0	4
Prunelloes - - - per barrel bulk	0	6	0	6
Prunes - - - - per barrel bulk	0	4	0	2
Pumice stones - - - - per ton	1	6	1	0
Quills, undressed - - - per barrel bulk	0	6	0	6
Rabbits - - - - per barrel bulk	0	6	0	6
Raisins - - - - per barrel bulk	0	4	0	2
Rags, viz.:—				
Linen - - - - per ton	0	9	0	9
Other rags and old leather - - per ton	0	6	0	6
Rape cakes - - - - per ton	0	9	0	3
Ground - - - - per ton	1	0	1	0
Rice - - - - - per ton	1	0	0	8
Ropes, old - - - - per ton	0	6	0	6
Rosin - - - - per barrel bulk	0	2	0	2
Rusks - - - - per cwt.	1	0	1	0
Salt - - - per ton of 40 bushels	0	6	0	2
Refined - - - per cwt.	0	1	0	1
Rock, in lump - - - per ton	0	6	0	6
Saltpetre - - - - per ton	2	6	2	6
Salmon - - - - box of 4 kits	0	4	0	4
Sand for Founders - - - per ton	0	3	0	3
Builders, plasterers, &c. - - per ton	0	1	0	1
Saddlery, not enumerated - - per barrel bulk	0	4	0	4
Seed, viz.:—				
Flax and rape - - - per hogshead	0	6	0	2
Ditto - - - - per barrel	0	3	0	1
Ditto in bulk - - - per quarter	0	2½	0	1
Flax seed for crushing - - - per ton	1	0	1	0
Clover - - - - per cwt.	0	2	0	0½
Garden seeds - - - per barrel bulk	0	6	0	2
Hemp and canary - - per barrel bulk	0	3	0	1
Timothy - - - - per cwt.	0	2	0	2
Turnip seed - - - per barrel bulk	0	6	0	6
Rye grass - - - per quarter	0	3	0	3
Other seeds to be charged in proportion to those enumerated.				
Shumach - - - - per ton	2	0	2	0
Shakes of casks, pipe or puncheon - - each	0	1	0	1
Others in proportion.				
Skins, untanned, viz.:—				
Calf - - - - - per score	0	4	0	4
Ditto, dried - - - - per ton	3	0	3	0
Sheep - - - - per score	0	3	0	3
Deer - - - - - per score	0	10	0	10

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	Inwards.		Outwards.	
	s.	*d.*	*s.*	*d.*
Skins, untanned—*continued.*				
Kid - - - - - per score	0	4	0	4
Lamb - - - - per score	0	3	0	3
Seal - - - - - per score	0	3	0	1
Sheep, dressed - - - per barrel bulk	0	3	0	3
Hare and rabbit - - per barrel bulk	0	3	0	3
Screws - - - - per ton	0	4	0	4
Other skins in proportion to those enumerated.				
Slates, undersize - - - per 1,200	0	10	0	10
Sizeable - - - per 1,200	1	3	1	3
Oversize - - - - per 1,200	2	0	2	0
Slate pencil and slates - - per barrel bulk	0	4	0	4
Smalts - - - - - per ton	2	6	2	6
Smelts - - - - per cwt.	0	2	0	2
Snuff - - - - per barrel bulk	0	6	0	6
Soap - - - - - per ton	2	0	2	0
Soaper's waste - - - - per ton	0	3	0	3
Salts - - - - - per ton	0	6	0	6
Soda - - - - - - per ton	0	9	0	9
Spermaceti - - - - per ton	2	0	2	0
Spirits - - - - - per barrel bulk	0	6	0	4
Stones, viz.:—				
Rubble freestone - - - per ton	0	0¼	0	0¼
Hewn Ashlar freestone - - per ton	0	1	0	1
Rough Ashlar freestone - - per ton	0	0½	0	0½
Rubble causeway - - - per ton	0	0½	0	0½
Causeway stones, dressed - - per ton	0	1	0	1
Pavement - - - - - per ton	0	3	0	3
Curb - - - - - - per ton	0	1	0	1
Gravestones - - - - each	2	6	2	6
Scythe stones - - - per gross	0	4	0	4
Grindstones, of 30 inches diameter and under each	0	1	0	1
And for every 6 inches above 30 -	0	1	0	1
Millstones, common - - - each	1	6	1	6
Burr - - - each	2	6	2	6
Starch - - - - per barrel bulk	0	4	0	4
Straw - - - - - - per ton	0	10	0	10
Steel - - - - - - per ton	2	0	2	0
Old - - - - - per ton	1	0	1	0
Stucco - - - - - - per ton	0	6	0	6
Sugar, raw - - - - per ton	2	0	0	8
Refined - - - - - per ton	2	6	2	6
Moulds - - - - - per 100	0	9	0	9
Tallow - - - - - per ton	2	3	1	6
Tamarinds - - - - - per barrel bulk	0	4	0	4
Tanners' waste - - - - per ton	0	4	0	4
Tar - - - - - per barrel	0	2½	0	1
Tares - - - - per quarter	0	3	0	3
Tea - - - - - per barrel bulk	0	5	0	2
Thread - - - - per barrel bulk	0	4	0	4

	Inwards.		Outwards.	
	s.	*d.*	*s.*	*d.*
Tin of all kinds - - - - per ton	3	0	3	0
Tiles, common size - - - - per 1,000	1	3	1	3
Others in proportion.				
Tiles, drain, common size - - - per 1,000	0	9	0	9
Tobacco - - - - - - per barrel bulk	0	6	0	2
Tobacco pipes - - - per barrel bulk	0	3	0	3
Tongues, smoked - - - - per dozen	0	1	0	1
Pickled - - - per dozen	0	1	0	1
Tortoise-shell - - - - - per cwt.	0	6	0	6
Tow - - - - - - - per ton	1	8	0	5
Toys - - - - - - per barrel bulk	0	3	0	3
Treenails - - - - - - per 1,000	0	6	0	6
Turmeric - - - - - - - per cwt.	0	1	0	1
Turnips - - - - - - per ton	0	4	0	4
Twine, line, and twisted yarn - - - per ton	2	6	2	6
Valonia - - - - - per ton	2	0	2	0
Vases, or sculptured marble - - per barrel bulk	0	6	0	6
Varnish - - - - - - per barrel bulk	0	4	0	4
Verdigris - - - - - per ton	2	0	2	0
Vermilion - - - - - - per cwt.	0	6	0	6
Veneers of all kinds - - - per barrel bulk	0	4	0	4
Vinegar - - - - - - per barrel bulk	0	4	0	4
Vitriol - - - - - per bottle	0	2	0	2
Water, soda and seltzer - - per barrel bulk	0	2	0	2
Whalebone, dressed or undressed - - per ton	2	6	2	6
Whitening - - - - - - per ton	0	3	0	3
Willow reeds - - - - - per bundle	0	1	0	1
Wine, in casks - - - per barrel bulk	0	6	0	2
In bottles - - per barrel bulk	0	3	0	1
Windows, glazed - - - per barrel bulk	0	3	0	3
Wood (calliper measure):—				
Battens - - - per 50 cubic feet	0	9	0	3
Boards, oak or wainscoat - per 50 cubic feet	1	6	0	6
Boards, paling - - - - - per 120	0	4	0	1
Deals - - - - per 50 cubic feet	0	9	0	3
Deal ends - - - per 50 cubic feet	0	9	0	3
Firewood - - - - - - per fathom	0	4	0	1
Handspikes - - - - - - per 120	0	3	0	1
Lath wood - - - - - per fathom	1	3	0	5
Masts, spars, yards, or bowsprit wood, viz.—				
6 inches in diameter and under 12 inches per 50 cubic feet	0	9	0	3
12 inches and upwards - per 50 cubic feet	1	0	0	4
Spars 4 inches in diameter and under 6 inches per 60 pieces - - - - - -	1	6	0	6
Spars under 4 inches - - per 60 pieces	1	0	0	4
Oak planks - - - per 50 cubic feet	1	6	0	6
Oars and oar rafters - - per 120 pieces	1	0	0	4
Rickers, boat-hooks, and hoops - per 120 pieces	0	9	0	3
Cart-wheel spokes - - per 100 pieces	0	6	0	6

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	Inwards.		Outwards.	
Wood—*continued.*	*s.*	*d.*	*s.*	*d.*
Fir - - - - per 50 cubic feet	0	9	0	3
Oak - - - - per 50 cubic feet	1	3	0	5
Pine - - - - per 50 cubic feet	0	9	0	3
Pine, pitch - - - per 50 cubic feet	1	3	0	5
Hard wood - - - per 50 cubic feet	1	3	0	5
Ufers - - - per 50 cubic feet	0	9	0	3
Wainscot logs - - per 50 cubic feet	1	6	0	6
Teak - - - per 50 cubic feet	1	3	0	5
Delivered by weight, viz.:—				
Barwood, Boxwood, Brazilwood, Camwood, Ebony, Fustic, Lignum vitæ, Logwood - - - per ton	2	0	0	8
Mahogany - - - per ton	1	6	0	6
Nicaragua wood, Red wood, Sassafras - - - - per ton	2	0	0	8
Staves, viz.:—				
American pipe - per standard thousand	10	0	3	4
Single hogshead - - per 1,200	4	0	1	1
Ditto barrel - - per 1,200	2	0	0	8
Hogshead billets - - per 1,200	6	8	1	1
Barrel - - - per 1,200	5	4	0	11
West India Staves - - per 1,200	4	0	1	4
Brandy ditto - - - per 1,200	16	0	5	4
Baltic and Hamburg pipe - per 1,200	20	0	6	8
Hogshead - per 1,200	13	4	2	3
Best barrel - per 1,200	6	8	1	2
Inferior quality per 1,200	3	4	0	7
Wedges - - - - per 1,200	0	6	0	6
Wool - - - - - per cwt.	0	2	0	2
Wreck materials to be charged one half per cent. on the value.				
Yarn,—viz. Jute, tow, or hemp - - per ton	1	6	1	6
Lint and cotton - - - per ton	2	0	2	0
Worsted - - - - per cwt.	0	2	0	2
Yeast - - - - per barrel bulk	0	2	0	2
Zinc - - - - - per ton	1	0	1	0

1. Five cubic feet, not exceeding two and a half hundredweight, to be rated a barrel bulk; but when the weight of five cubic feet is greater than two and a half hundredweight, then two and a half hundredweight to be rated a barrel bulk.

2. In weighing and measuring goods for ascertaining the rates payable, the weight or measurement of the packing materials is to be included.

3. All materials or articles whatsoever, brought into the harbour for the purposes of the harbour works, or for the use of the police works, or any of the public works of the town of Burntisland, shall be exempted from rates on goods; but the vessels bringing all such materials shall be liable to rates.

4. Ship's outfit and stores of all kinds, including provisions when taken direct on board of any vessel for her own use, or landed for the purpose of being again reshipped for the use of the same vessel out of which they were so landed, shall be exempted from payment of rates on goods; but all such stores must first be entered at the shore dues office, and a permit obtained for such shipping and landing respectively.

III.—Rates for the Use of Cranes.

For cranes lifting up to six tons.

	For the First Lift.			For each succeeding Lift		
	£	s.	d.	£	s.	d.
Under one ton	0	2	6	0	0	4
One ton and under two tons	0	3	0	0	0	6
Two tons and under three tons	0	3	6	0	0	8
Three tons and under four tons	0	4	0	0	0	10
Four tons and under five tons	0	4	6	0	1	0
Five tons and under six tons	0	5	0	0	1	2

For cranes lifting up to ten tons.

	For the First Lift.			For each succeeding Lift.		
	£	s.	d.	£	s.	d.
Under six tons	0	5	0	0	2	6
Six tons and under seven tons	0	10	0	0	5	0
Seven tons and under ten tons	1	0	0	0	10	0

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For cranes lifting ten tons and upwards.

	For each Lift. £	s.	d.
Ten tons and under fifteen tons - - - - -	1	10	0
Fifteen tons and under twenty tons - - - -	2	10	0
Twenty tons and under twenty-five tons - - - -	5	0	0
Twenty-five tons and under thirty tons - - - -	10	0	0
Thirty tons and under thirty-five tons - - - -	12	10	0
Thirty-five tons and under forty tons - - - -	15	0	0
Forty tons and under forty-five tons - - - -	17	10	0
Forty-five tons and under fifty tons - - - -	20	0	0

Fifty tons and upwards, any sum the Town Council think fit to demand.

The labour to be done by the parties requiring the use of the cranes

In addition to the above rates for cranes, sixpence per hour to be paid for wages to cranemen attending while the crane is in use.

IV.—RATES FOR BALLAST.

For loading ballast into and removing ballast from vessels in the harbour or dock, and conveying ballast to or from the place of deposit thereof, sixpence per ton of ballast.

Pier and Harbour Order Confirmation (No. 3.)

A

B I L L

For confirming a Provisional Order made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Burntisland.

(Prepared and brought in by Mr. Shaw Lefevre and Mr. Stansfeld.)

Ordered, by The House of Commons, *to be Printed,* 11 *July* 1870.

[Bill 210.] *Under* 3 *oz.*

A

B I L L

TO

Abolish Compulsory Pilotage.

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BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Abolition of compulsory pilotage.

1. No owner or master of any ship shall be compelled by or in virtue of any statute or charter in force or existing at the commencement of this Act to employ a pilot, or, in case such master or owner does not employ a pilot, to pay any sum of money by way either of pilotage dues or rates or of penalty for not employing a pilot.

Compensation of pilots injured by the abolition of compulsory pilotage.

2. If in consequence of the operation of this Act there is a diminution in the employment of licensed pilots in any pilotage district, the following provisions shall have effect :—

1. The pilotage authority of the district may, on any day not less than *two* nor more than *three* years subsequent to the commencement of this Act, make an application in writing to the Board of Trade to exercise the powers given to the Board by this section :
2. The application shall be supported by statements in writing showing that such diminution of employment has actually occurred, and further that it has been caused by the operation of this Act :
3. The Board of Trade may, on it being proved to their satisfaction, firstly, that such diminution of employment has occurred, and, secondly, that it has been caused by the operation of this Act, authorize the pilotage authority to reduce the number of pilots licensed by such authority :
4. Such reduction shall be effected by withdrawing from the list of acting pilots such a number of pilots as in the opinion of the Board of Trade it may be needful to withdraw :

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5. The Board of Trade may, if they think fit, make a report to the Commissioners of Her Majesty's Treasury concerning such application; *and the Commissioners may, if they think fit, upon receiving such report, make a grant to the pilotage authority, either by way of annual payment or otherwise, out of moneys to be provided by Parliament for that purpose, of such sum of money as they think fit, to be applied by such authority, in such manner as such authority find to be just and expedient, in or towards the superannuation of the pilots so withdrawn by them:*

6. No grant shall be made under this section to any pilotage authority who have, after the *fifteenth day of February One thousand eight hundred and seventy*, granted a licence to any person not licensed by them as a pilot at such date.

Licensed pilots to be preferred to unlicensed pilots. 17 & 18 Vict. c. 104. ss. 360, 361.

3. Notwithstanding anything in this Act, a licensed pilot may supersede an unlicensed pilot; and an unlicensed pilot assuming or continuing in the charge of any ship after a qualified pilot has offered to take charge of her shall for each such offence incur a penalty not exceeding *fifty* pounds; and the master of any ship who, after a licensed pilot has offered his services, either gives his ship into the charge of or continues to employ an unlicensed pilot, shall for each offence incur a penalty not exceeding *fifty* pounds.

Saving of rights of licensed pilots and of powers of pilotage authorities.

4. Nothing in this Act shall, save as herein expressly provided, affect the powers, rights, or privileges of licensed pilots, or restrict or diminish the powers possessed by any pilotage authority.

Commencement of Act.

5. This Act shall come into operation on the day of *one thousand eight hundred and seventy*, which day is in this Act referred to as the commencement of this Act.

Application of Act.

6. This Act shall extend to the United Kingdom, but shall apply to all ships, British and Foreign.

Short title.

7. This Act may be cited as "The Compulsory Pilotage Abolition Act, 1870."

Pilotage.

A

BILL

To abolish Compulsory Pilotage.

(*Prepared and brought in by Mr. Bright, Mr. Shaw Lefevre, and Mr. Stansfeld.*)

Ordered, by The House of Commons, *to be Printed,*
14 *February* 1870.

[Bill 25.]

Under 1 *oz.*

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Abolish Compulsory Pilotage. A.D. 1870.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Abolition of compulsory pilotage.

1. No owner or master of any ship shall be compelled by or in virtue of any statute or charter in force or existing at the commencement of this Act to employ a pilot, or, in case such master or owner does not employ a pilot, to pay any sum of money by way either of pilotage dues or rates or of penalty for not employing a pilot.

Compensation of pilots injured by the abolition of compulsory pilotage.

2. If in consequence of the operation of this Act there is a diminution in the employment of licensed pilots in any pilotage district, the following provisions shall have effect :—

1. The pilotage authority of the district may, on any day not less than *one* nor more than *three* years subsequent to the commencement of this Act, make an application in writing to the Board of Trade to exercise the powers given to the Board by this section :
2. The application shall be supported by statements in writing showing that such diminution of employment has actually occurred, and further that it has been caused by the operation of this Act :
3. The Board of Trade may, on it being proved to their satisfaction, firstly, that such diminution of employment has occurred, and, secondly, that it has been caused by the operation of this Act, report to the Commissioners of Her Majesty's Treasury concerning such application ; *and the Commissioners may, upon receiving such report, make a grant to the pilotage authority, either by way of annual payment or otherwise, out of moneys to be provided by Par-*

A.D. 1870.

liament for that purpose, of a sum of money to be applied by such authority towards compensation of the pilots in respect of the loss of income which they may suffer by the operation of this Act, or towards the superannuation of a certain number of such pilots:

4. *No grant shall be made under this section to any pilotage authority who have, after the passing of this Act, granted a licence to any person not licensed by them as a pilot at such date,* except to any person who, having been duly apprenticed to the pilot service before the passing of this Act under any statute or byelaw in force in any pilotage district, shall be entitled to have a licence granted to him upon duly passing the examinations required by any such statute or byelaw:

5. It shall be lawful for the Board of Trade to exercise the powers given to it by the third section of this clause, notwithstanding that any pilotage authority shall neglect or refuse to make such application as is set forth in the first section of this clause.

3. *And whereas certain pilots and others in different pilotage districts, upon the faith that the compulsory system of pilotage would be maintained, have invested large capital in the purchase, building, and maintenance of the pilot boats or cutters used or employed in the pilotage service of such district, and it is just and reasonable that full compensation should be made to such pilots and others for the change which will be effected by the passing of this Act: Be it therefore enacted, That, in the event of its appearing desirable by the pilotage authority of a district, in consequence of the operation of this Act, to reduce the number of boats or cutters employed before the passing of this Act, the Commissioners of Her Majesty's Treasury, on the application of the Board of Trade, may pay to the owners of such boat or boats a sum of money towards compensation for such loss of employment.*

Rates of pilotage may be increased.

4. It shall be lawful for any pilotage authority, with the consent of Her Majesty in Council, to increase the rates of pilotage in any district affected by this Act, for services rendered by pilots between twelfth November and thirtieth April, both inclusive, by an amount not exceeding one fifth of the maximum rates now authorized.

Licensing pilots.

5. Any person may, upon application, be examined by the Trinity House, and if found of good character, and competent to pilot ships

A.D. 1870.

on the waters of the Thames between London Bridge and Lower Hope Point, near Gravesend, may be licensed by the Trinity House to pilot ships within those limits. Such persons shall not be ineligible for such license by reason of any byelaw or regulation as to having passed the age of thirty-five years, or as to service as master, mate, or otherwise on a square rigged vessel, or employment in the pilotage or buoyage service, or as to restricting the number of persons to be licensed, and when licensed he shall not be restricted as to draught of water. Every such person shall have the like right of appeal to the Board of Trade, and for every like cause, and upon the like terms, and in like manner as the master or mate of any ship applying for or to be examined in order to obtain, or holding, or having withdrawn from him, a certificate for him to pilot such ship would have; and upon such appeal the Board of Trade may, if they think fit, grant the appellant a pilotage license, such as might have been, and which shall have the same effect as if it had been, granted by the Trinity House.

As to the navigation of the rivers Clyde and Avon.

6. Whereas owing to the tortuous, narrow, and artificial channel of the rivers Clyde and Avon, and the great and increasing traffic on those rivers, the assistance or direction of persons accustomed to the navigation is necessary, not only for the vessel itself, but in order to prevent injury and obstruction to other vessels, to the navigation and works of those rivers: Therefore the trustees of the Clyde navigation, and the mayor, aldermen, and burgesses of the city of Bristol acting by their dock committee, respectively, may from time to time, by byelaws allowed by Order in Council, make provision for the regulation and good government of vessels navigating the river Clyde and the river Avon respectively, and of the persons employed in working or navigating or having or taking charge of any such vessel, by the appointment of harbour masters and other officers, and by such other ways and means as the trustees and mayor, aldermen, and burgesses shall respectively think fit.

Compensation to masters of pilot boats.

7. *The master of any pilot boat withdrawn by the pilotage authority with the consent of the Board of Trade, whose income may be diminished by the passing of this Act, shall be entitled to the same compensation and to be calculated on the same principle as pilots will be entitled to after the passing of this Act.*

Saving of rights of licensed pilots and of powers of pilotage authorities.

8. Nothing in this Act shall, save as herein expressly provided, affect the powers, rights, or privileges of licensed pilots or their apprentices, or restrict or diminish the powers possessed by any pilotage authority.

A.D. 1870.

Commencement of Act.

9. This Act shall come into operation on the day of *one thousand eight hundred and seventy*, which day is in this Act referred to as the commencement of this Act.

Application of Act.

10. This Act shall extend to the United Kingdom, but shall apply to all ships, British and Foreign.

Short title.

11. This Act may be cited as "The Compulsory Pilotage Abolition Act, 1870."

Pilotage.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

To abolish Compulsory Pilotage.

(Prepared and brought in by Mr. Bright, Mr. Shaw Lefevre, and Mr. Stansfeld.)

Ordered, by The House of Commons, *to be Printed,* 8 *July* 1870.

[Bill 207.]

Under 1 *oz.*

A

B I L L

TO

Repeal the Act of the twenty-fifth and twenty-sixth years of Her Majesty, chapter one hundred and fourteen, intituled "An Act for the prevention of Poaching." A.D. 1870.

WHEREAS it is expedient to repeal the Act passed in the twenty-fifth and twenty-sixth Victoria, chapter one hundred and fourteen, intituled "An Act for the prevention of Poaching:" 25 & 26 Vict. c. 114.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. From and after *the passing of this Act* the aforesaid Act of the twenty-fifth and twenty-sixth Victoria, chapter one hundred and fourteen, intituled "An Act for the prevention of Poaching," shall be and the same is hereby repealed. Repeal of 25 & 26 Vict. c. 114.

Poaching Prevention Act Repeal.

A

BILL

To repeal the Act of the twenty-fifth and twenty-sixth years of Her Majesty, chapter one hundred and fourteen, intituled "An Act for the prevention of Poaching."

(Prepared and brought in by Mr. Brown, Mr. Andrew Johnston, Sir David Wedderburn, and Mr. Thomas Potter.)

Ordered, by The House of Commons, *to be Printed*, 31 *March* 1870.

[Bill 93.]

Under 1 *oz.*